

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature – Second Regular Session

MINUTES RECEIVED
CHIEF CLERK'S OFFICE

2-19-16

COMMITTEE ON GOVERNMENT AND HIGHER EDUCATION

Report of Regular Meeting
Thursday, February 18, 2016
House Hearing Room 1 -- 8:00 a.m.

Convened 8:05 a.m.
Recessed 10:30 a.m.
Reconvened 10:45 a.m.
Adjourned 12:48 p.m.

Members Present

Ms. Alston
Mr. Larkin
Mr. Lovas
Mr. Olson
Mr. Petersen
Mr. Saldate
Ms. Townsend
Mr. Ackerley, Vice-Chairman
Mr. Thorpe, Chairman

Members Absent

Agenda

Original Agenda – Attachment 1

Request to Speak

Report – Attachment 2

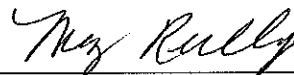
Presentations

<u>Name</u>	<u>Organization</u>	<u>Attachments (Handouts)</u>
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Committee Action

<u>Bill</u>	<u>Action</u>	<u>Vote</u>	<u>Attachments</u> (Summaries, Amendments, Roll Call, Attendance)
HB2647	DP	5-4-0-0	3, 4
HB2471	DPA	5-0-0-4	5, 6, 7
HB2100	DP	6-0-0-3	8, 9
HB2438	DPA/SE	7-0-0-2	10, 11, 12
HB2550	DP	7-0-0-2	13, 14
HB2656	DP	7-0-0-2	15, 16
HB2615	DP	7-0-0-2	17, 18
HB2216	FAILED	3-4-1-1	19, 20, 21
HB2616	DP	5-2-0-2	22, 23

HB2591	DP	8-0-0-1	24, 25
HB2600	DPA/SE	6-2-1-0	26, 27, 28, 29
HB2634	DP	9-0-0-0	30, 31
HB2565	DP	8-0-0-1	32, 33
HB2217	DPA/SE	6-2-1-0	34, 35, 36, 37
HB2583	DPA	5-3-0-1	38, 39, 40
HB2610	DP	6-2-0-1	41, 42
HB2643	DPA	9-0-0-0	43, 44, 45
HB2682	DPA	5-2-0-2	46, 47, 48
HCR2015	DPA/SE	5-2-0-2	49, 50, 51
HCR2047	DP	5-2-0-2	52, 53
HB2390	DP	5-2-0-2	54, 55
ATTENDANCE SHEET			56



Meg Reilly, Chairman Assistant
Friday, February 19, 2016

(Original attachments on file in the Office of the Chief Clerk; video archives available at <http://www.azleg.gov>)

Convened: 8:05 A.M.

REVISED #4 - 02/17/16

REVISED #4 - 02/17/16

REVISED #4 - 02/17/16

Recessed: 10:30 A.M.

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

Resumed: 10:45 A.M.

REGULAR MEETING AGENDA

Adjourned: 12:48 P.M.

COMMITTEE ON GOVERNMENT AND HIGHER EDUCATION

DATE Thursday, February 18, 2016

ROOM HHR 1

TIME 8:00 A.M. NOTE TIME
CHANGE 9:00 A.M.

Members:

Ms. Alston
Mr. Larkin
Mr. Lovas

Mr. Olson
Mr. Petersen
Mr. Saldate

Ms. Townsend
Mr. Ackerley, Vice-Chairman
Mr. Thorpe, Chairman

Bills	Short Title	Strike Everything Title
HB2020	<u>Held</u> electronic notice; hearings; ordinances (Stevens) <u>in</u> GHE, RULES	S/E: motor vehicle liability insurance requirements
HB2258	<u>Held</u> mobile home landlord tenant; amendments (Brophy McGee; Pratt) GHE, RULES	
HB2295	<u>community colleges; athletic facilities fees</u> (Boyer, Bolding) GHE, RULES	
*HB2438	<u>DPA/SE</u> personal identifiable information (Stevens) <u>7-0-0-2</u> GHE held 0-0-0-0-0, RULES	S/E: personal identifying information; transmission
HB2549	<u>public construction piping materials; prohibition</u> (Leach, Barton; Bowers, et al) GHE, RULES	
HB2550	<u>DP</u> software; budget units; sharing (Stevens) <u>7-0-0-2</u> GHE, RULES	

Attachment 1

Bills	Short Title	Strike Everything Title
HB2565	<u>DP</u> sanitary districts; rejection of bids (Gowan) <u>8-0-0-1</u> GHE, RULES	
HB2583	<u>DPA</u> open meetings; audiovisual recordings (Stevens) <u>5-3-0-1</u> GHE, RULES	
HB2634	<u>DP</u> agencies; enrollment; educational programs (Farnsworth E, Petersen, Biggs) <u>9-0-0-0</u> GHE, RULES	
HB2643	<u>DPA</u> PSPRS; CORP; EORP; administration changes (Olson) <u>9-0-0-0</u> GHE, RULES	
HB2682	<u>DPA</u> refugees; facilities; licensure (Thorpe) <u>5-2-0-2</u> GHE, RULES	
HCR2047	<u>DP</u> initiatives; referendums; signature requirements; counties <u>5-2-0-2</u> (Thorpe, Barton: Ackerley, et al) GHE, RULES	

ADDENDUM #1 - 02/16/16

HB2100	<u>DP</u> state agency reports; electronic submission (Allen J) <u>6-0-0-3</u> GHE, RULES	
HB2216	DPA/SE technical correction; veterans (Kern) <u>3-4-1-1</u> Y. Miller GHE, RULES	S/E: relating to party caucus; qualification for primary
HB2217	<u>DPA/SE</u> water protection; technical correction (Kern) <u>6-2-1-0</u> GHE, RULES	S/E: investigator; legal decision-making; parenting time
HB2390	<u>DP</u> vocational program license; yoga exemption (Thorpe, Rios: Ackerley, et al) <u>5-2-0-2</u> GHE held 0-0-0-0-0, RULES	
HB2471	<u>DPA</u> technical correction; college savings plan (Ackerley) <u>5-0-0-4</u> GHE, RULES	
HB2591	<u>DP</u> civil traffic violations; alternative service (Ugenti-Rita) <u>8-0-0-1</u> GHE, RULES	

Bills	Short Title	Strike Everything Title
HB2600	<u>DPA/SE</u> technical correction; double punishment (Shope) <u>6-2-1-0</u> GHE, RULES	S/E: repeal; stateboards and committees
HB2610	<u>DP</u> Indian nations; tribes; legislative day (Mesnard, Hale, Rios, et al) <u>8-0-0-1</u> GHE, RULES	
HB2615	<u>DP</u> campuses; free speech zone; prohibition (Kern) <u>6-2-0-1</u> GHE, RULES	
HB2616	<u>DP</u> DPA/SE claims; public agency; independent adjuster (Kern) <u>5-2-0-2</u> GHE, RULES	
HB2647	<u>DP</u> 5-2-0-1 technical correction; state facilities (Montenegro) <u>5-0-0-4</u> GHE, RULES	
HB2656	<u>DP</u> homeowners' associations; cumulative voting; prohibition (Clark, Finchem) <u>8-0-0-1</u> GHE, RULES	
HCR2015	<u>DPA/SE</u> technical correction; illegal aliens (Thorpe) <u>5-2-0-2</u> GHE, RULES	S/E: relating to federal; financial sustainability; support

ADDENDUM #2 - 02/16/16

**HB2162	<u> </u> technical correction; defrauding secured creditors <u> </u> (Thorpe) <u> </u>	S/E: governor's statutory review committee
HB2163	<u> </u> technical correction; regents; land funds <u> </u> (Thorpe) <u> </u> GHE, RULES	S/E: nonresident; children; tuition; violation

* On previous agenda
** If first read and assigned

ORDER OF BILLS TO BE SET BY THE CHAIRMAN

MR
2/17/16

People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032, TDD (602) 926-3241.

Information Registered on the Request to Speak System

House Government and Higher Education (2/18/2016)

HB2020, electronic notice; hearings; ordinances

Support:

Lyle Tuttle, representing self; Barry Aarons, AZ TRIAL LAWYERS ASSOCIATION

Oppose:

kelsey lundy, Lobbyist, ENTERPRISE RENT-A-CAR; Bobbi Sparrow, AZ AUTOMOBILE DEALERS ASSN; David Childers, PROPERTY CASUALTY INSURERS ASSOC OF AMERICA; Ellen Poole, Executive Director, SW Region Govt Relations, U.S.A.A.

All Comments:

Lyle Tuttle, Self: Who reads those 'public announcements' anyway? Print is so small and the cost is so high. Those who choose to stay informed will, & we save \$. Newspapers SHOULD carry stories on important leg - that is their RESPONSIBILITY! Stop the subsidy!!; kelsey lundy, ENTERPRISE RENT-A-CAR: Oppose Strike Everything Amendment; Barry Aarons, AZ TRIAL LAWYERS ASSOCIATION: support striker

HB2258, mobile home landlord tenant; amendments

Support:

Catherine Yielding, representing self; Evril Green, representing self

Oppose:

Sarah Kader, representing self; Donna Kruck, Ability360; Edward Myers, representing self; ellen katz, William E. Morris Institute For Justice; John MacDonald, Arizona Association Of Manufactured Home Owners

All Comments:

Sarah Kader, Self: The Arizona Center for Disability Law opposes HB2258, This bill violates federal law and unlawfully restricts reasonable accommodations for who can live with the home owner as a caregiver and for assistance animals for persons with disabilities.; Donna Kruck, Ability360: Ability360 is opposed to this bill even with proposed amendments.; Edward Myers, Self: I oppose for the reasons Sarah Kader, Staff Attorney of the Arizona Center for Disability Law stated. It simply violates federal fair housing law.; ellen katz, William E. Morris Institute For Justice: This bill violates the federal and state fair housing laws.

HB2295, community colleges; athletic facilities fees

Oppose:

Robert Medler, TUCSON METROPOLITAN CHAMBER OF COMMERCE

HB2438, personal identifiable information

Support:

Michelle Ahlmer, AZ RETAILERS ASSN; Buffalo Rick Galeener, representing self; Richard Hofelich, representing self; Marc Osborn, RELX

Oppose:

Shirley Lamonna, representing self; Jose Borrajero, representing self; Scott Ottersen, LD17 PC, representing self; Itasca Small, representing self; J.R. Morris, representing self; martha hayes, representing self; Nancy Hawkins, representing self; Patrick OMalley, representing self; Nan Nicoll, representing self; Jered Skousen, representing self; Tom Holding, representing self; Janelle Solomon, representing self; Tim Jones, representing self; April Pinger, representing self; Dennis Genge, representing self; Christine Maceri Genge, representing self; Joseph Pikosz, representing self; Linda Shoemaker, representing self; Onita Davis, representing self; Vicki Alger, representing self; Sandi Bartlett, representing self; Joyce Hill, representing self; Susan Hicks, representing self; Cathy Schwanke, representing self

All Comments:

Michelle Ahlmer, AZ RETAILERS ASSN: support with strike everything amendment; Shirley Lamonna, Self: This bill has NOTHING to do with PII. Very deceptive.; Jose Borrajero, Self: This bill, as the result of a strike-all amendment, has nothing to do with personal identifiable information or privacy. Therefore, the short title "personal identifiable information" has become totally misleading.; Scott Ottersen, Self: This is now a Stryker. The original bill I was in support of had to do with protection of student data.; J.R. Morris, Self: This strike everything has nothing to do with the original. Kill this bill!; Buffalo Rick Galeener, Self: New info; Patrick OMalley, Self: Now that it's a strike everything.; Nan Nicoll, Self: Strikeovers should stop now! You are the servants. Do not try to fool us.; April Pinger, Self: A "strike everything" amendment is a very underhanded and sneaky way to get something passed. I don't trust sneaky.; Dennis Genge, Self: HB2438 has been amended via a strike-all amendment and now it has nothing to do with education, let alone student privacy.; Christine Maceri Genge, Self: The strike-all amendment has nullified the original intent of this bill and it now has nothing to do with education or student privacy.; Joseph Pikosz, Self: Stop the trickery with the "strike all amendments" !!!!!!!; Marc Osborn, RELX: Support with the Thorpe amendment

HB2549, public construction piping materials; prohibition

Oppose:

Don Isaacson, American Council Of Engineering Companies Of Arizona; Steve Trussell, AZ ROCK PRODUCTS ASSN; Brad Novacek, representing self; Daniel White, representing self

All Comments:

Brad Novacek, Self: I oppose this bill as it seeks to disregard a trained and licensed professional's decision to protect the public health, safety and welfare. Utilities must be allowed to maintain the right to establish requirements that allow them to serve users.

HB2583, open meetings; audiovisual recordings

Testified as neutral:

Jay Moyes, ED8; McMullen Valley Water Conservation & Drainage District, + 4 Other Similar Ag Districts

Testified as opposed:

Jay Kaprosy, Arizona Charter Schools Association; Patrice Kraus, LEAGUE OF ARIZONA CITIES & TOWNS

Support:

Willie Stubbs, representing self; Scott Ottersen, LD17 PC, representing self; Jere Fredenburgh, representing self; Michael Gibbs, representing self; Tracy Langston, Mrs., representing self; Jack Wilborn, representing self; Nan Nicoll, representing self; Alan and Marsha Anderson, representing self; Tim Jones, representing self; John Baunoch, representing self; Corey Spofford, representing self

Neutral:

Jason Moyes, Yuma Mesa Irrigation & Drainage District, representing self; Robert Lynch, IRRIGATION AND ELECTRICAL DIST ASSN

Oppose:

Chris Udall, AGRIBUSINESS & WATER COUNCIL OF ARIZONA, INC.; Jim HARTDEGEN, ELECTRICAL DISTRICT NO 3 OF PINAL CTY, MARICOPA-STANFIELD IRRIGATION/DRAINAGE DIST; Alison Zelms, Deputy City Manager, PRESCOTT, CITY OF; Steve Moore, City Of Yuma; Barry Aarons, ARIZONA ASSOCIATION OF COUNTY SCHOOL SUPERINTENDENTS; Dale Wiebusch, Legislative Associate, LEAGUE OF ARIZONA CITIES & TOWNS; Nicole Lance, SURPRISE, CITY OF; Jason Barraza, Associate Director, AZ CHARTER SCHOOLS ASSN; Marge Zylla, TEMPE, CITY OF

All Comments:

Chris Udall, AGRIBUSINESS & WATER COUNCIL OF ARIZONA, INC.: The Agribusiness & Water Council of Arizona opposes this bill; it creates a burden on many of my irrigation district members that are small, have no webpage nor staff to create and maintain one. Please oppose. Thank you. Chris Udall; Willie Stubbs, Self: Open meetings should be recorded to keep our representatives accountable and to have the recordings available to people who can't attend the meetings.; Jim HARTDEGEN, ELECTRICAL DISTRICT NO 3 OF PINAL CTY, MARICOPA-STANFIELD IRRIGATION/DRAINAGE DIST: Not practical for small Special Districts (Title 48); Jay Moyes, ED8; McMullen Valley Water Conservation & Drainage District, + 4 Other Similar Ag Districts: I am counsel to 6 irrigation, electrical, & power districts without staff or facilities to maintain websites or video-tape all meetings. This puts unnecessary burden and cost to ratepayers. Strongly oppose, unless exemptions for ag districts!; Jere Fredenburgh, Self: important for citizens to see and hear meetings. If a burden to some very small districts, amend to exclude. thank you.; Michael Gibbs, Self: With decent video cameras under \$100 there's no excuse for not publicizing the activity during open meetings. Many people can't attend meetings during their work hours so it's vital other methods are available for them to engage with their government; Alison Zelms, PRESCOTT, CITY OF: The City of Prescott does not currently have technical equipment to audiovisually record all public body meetings (committees, etc.) and to replay within 24 hours.; Jason Moyes, Yuma Mesa Irrigation & Drainage District, Self: Yuma Mesa Irrigation & Drainage District and similarly situated Ag districts under Title 48 have neither the staff nor the budgets to maintain websites and record public meetings. YMIDD supports the Thorpe amendment excluding Ag districts.; Nan Nicoll, Self: Hold elected officials accountable. They should be very happy to comply and implement.; Alan and Marsha Anderson, Self: Please support and pass this crucial bill at the earliest possible date. We taxpayers need more information about how our government works for us.; Nicole Lance, SURPRISE, CITY OF: This would place an

undue financial and staffing burden in addition to preventing confidential conversations for the purposes of legal advisement.; Robert Lynch, IRRIGATION AND ELECTRICAL DIST ASSN: Neutral with the proposed amendment.

HCR2047, initiatives; referendums; signature requirements; counties

Testified as opposed:

James Pullaro, representing self; Sandy Bahr, Sierra Club - Grand Canyon Chapter

Neutral:

Eric Spencer, AZ SECRETARY OF STATE

Oppose:

Peter Bengtson, representing self; Jack Wilborn, representing self; Rivko Knox, representing self; Samantha Pstross, AZ ADVOCACY NETWORK; Alisa McMahon, representing self; Michael Fiflis, representing self; Barbara Jean Robertson, representing self; Patricia Cady, representing self; Teri Farneti, representing self; marilyn duerbeck, representing self; Eve Shapiro, representing self; Jay Gittrich, representing self; Alison Porter, representing self; Deborah Zajac, representing self; Frank Bergen, representing self; Joseph Guzman, representing self; Nick Collins, representing self; Doris Marie Provine, representing self; Deborah Gain Braley, representing self; Susan Jacobs, representing self; Joanna Marroquin, representing self; Erica Sussman, representing self; Zaida Dedolph, PROTECTING ARIZONA'S FAMILY COALITION; Pamela Hannley, representing self; Alice Stambaugh, representing self; Jeremy Arp, NATIONAL ASSOCIATION OF SOCIAL WORKERS, ARIZONA CHAPTER; Corey Spofford, representing self

All Comments:

Peter Bengtson, Self: This is a barrier for citizen initiatives. Especially for referenda.; Jack Wilborn, Self: It is difficult enough to get on the ballot, please do not make it any more difficult. Please vote NO. Thank you.; Patricia Cady, Self: This bill has the potential to pose a barrier for citizen initiatives.; Frank Bergen, Self: Leave the initiative and referendum law alone. It will not be approved by this proposal. One more effort to make citizen participation in government more difficult while legitimate issues are ignored by legislature.; Nick Collins, Self: Yet another hurdle that the AZ Legislature is putting up to hinder voter initiatives. Please OPPOSE this bill.; Doris Marie Provine, Self: This bill is yet another effort to reduce the power of the electorate to have a role in policy making. It is already expensive and inconvenient enough. Don't make it impossible to get a measure considered via initiative.; Deborah Gain Braley, Self: Please, let things get on the ballot so voters can decide. Current requirements are sufficient. Road blocks don't allow voters their rights on important issues.; Pamela Hannley, Self: I strongly oppose any bills that weaken, overturn, or circumvent citizens' initiatives OR make them more difficult to pass. The Legislature works for the people and should listen to the voice of the people.

HB2643, PSPRS; CORP; EORP; administration changes

Testified in support:

Dianne McCallister, PSPRS

Support:

James Mann, FRATERNAL ORDER OF POLICE (AZ STATE LODGE); Thomas Parker, FRATERNAL ORDER OF POLICE (AZ STATE LODGE); Don Isaacson, FRATERNAL ORDER OF POLICE (AZ STATE LODGE); Douglas Cole, PSPRS; John Flynn, Arizona Fire District Association

HB2682, refugees; facilities; licensure**Testified as neutral:**

Shannon Whiteaker, AZ DEPT OF HEALTH SERVICES; Kathy Ber, DES Director of Legislative Services, Arizona Department Of Economic Security

Support:

Willie Stubbs, representing self; Jose Borrajero, representing self; Shirley Lamonna, representing self; Buffalo Rick Galeener, representing self; martha hayes, representing self; Tom Holding, representing self; Janelle Solomon, representing self; Christine Maceri Genge, representing self; Dennis Genge, representing self; Richard Hofelich, representing self; Joyce Hill, representing self; John Baunoch, representing self

Oppose:

Connie Phillips, representing self; Carol Maas, representing self; Francesca Thomas, representing self; Jeremy Arp, NATIONAL ASSOCIATION OF SOCIAL WORKERS, ARIZONA CHAPTER

All Comments:

Connie Phillips, Self: Resettlement agencies do not do any services that would require licensing. We provide English classes, case management, and sewing classes. Licensing would be a poor use of state resources.; Willie Stubbs, Self: My only problem with this bill is that refugee is a very fluid term that can change drastically in 10 years. It could easily apply to homeless veterans. The tem needs to be buttoned down in this bill.; Carol Maas, Self: We should stop adding regulations that are not needed for refugee facilities.; Francesca Thomas, Self: The non-profit agencies dealing with refugee resettlement are subject to all the federal guidelines for non-profits. This bill will add layers of bureaucracy and waste taxpayers funds to replicate existing functions. Vote no on this unnecessary bill.; Kathy Ber, Arizona Department Of Economic Security: Available to answer questions about the amendment.

HB2100, state agency reports; electronic submission**Support:**

Kathy Ber, DES Director of Legislative Services, Arizona Department Of Economic Security; Garrick Taylor, Arizona Chamber Of Commerce And Industry

HCR2015, technical correction; illegal aliens**Support:**

Corey Spofford, representing self

HB2216, technical correction; veterans

Testified in support:

Christopher Herring, representing self

Support:

Duane Engdahl, representing self; Cara Nicole Trujillo, representing self; Scott Prior, representing self; Cara Prior, representing self; Alfredo Trujillo, representing self; Damon Fiori, representing self

All Comments:

Duane Engdahl, Self: It should go without saying that the Committee on government and Higher education should be concerned when the RIGHTS OF ASSOCIATION & EQUAL TREATMENT are violated by the Government of the State of Arizona. This bill Corrects that and should pass.; Cara Nicole Trujillo, Self: We desperately need accountability and clarity to the appointment of Court Appointees in family court. We need finding of facts and evidence rather than the he said she said that currently results in harm to children and financial hardships.; Alfredo Trujillo, Self: Please vote YES. Abuse of authority runs rampant and hurt families and more specifically children. Legislation is already changing to remove drama that just makes a select few money and allows for equalized parenting. Be on the right side of history.; Damon Fiori, Self: A positive step in the right direction for families. Court appointed evaluators have too broad of a scope and can charge an extraordinary amount of money. This proposed language brings accountability to a system that desperately needs it.

HB2217, water protection; technical correction

Testified in support:

David Alger, representing self; David Alger, ARIZONA CHILDREN AND FAMILIES FOUNDATION; Vicki Alger, representing self; James Caskey, representing self; Terry Decker, representing self; Martin Lynch, representing self; Brent Miller, representing self

Support:

Edwin Pizarro, representing self; Patricia Cummins, representing self; Joe Phillips, representing self; Angela Sweeny, representing self; Greg Roberts, representing self; Ray Farzan, representing self; Renee Moore, representing self; Al Tracy, representing self; Ken Higginbotam, representing self; Larry Lynch, representing self; Lynn Handsaker, representing self; Troy Cantor, representing self; Wade Singleton, representing self; Ann Blanchard, representing self; Jenny Kayat, representing self; Sari Lange, representing self; Christopher Campbell, representing self; Damon Fiori, representing self; Alfredo Trujillo, representing self; Cara Nicole Trujillo, representing self; Cara Prior, representing self; Scott Prior, representing self; Crystal Harris, representing self; Michael Manola, representing self; Karen Duckworth, representing self; Aaron Carlton, representing self; Clayton LaPan, representing self

Oppose:

Amy Love, Arizona Supreme Court Admin. Office Of The ; Deb Gullett, Maricopa County Superior Court; Liana Garcia, Maricopa County Superior Court; Susie Stevens, Arizona Psychological Association .

All Comments:

David Alger, Self: Supported as to be amended by striker on 2/18 in Government & Higher Ed Committee as a revision to ARS 25-406.; David Alger, ARIZONA CHILDREN AND FAMILIES FOUNDATION: Supported as to be

amended by striker on 2/18 in Government & Higher Ed Committee as a revision to ARS 25-406.; Edwin Pizarro, Self: ME appointees should absolutely have to leash those egregious charges. Supported as to be amended by striker on 2/18 in Government & Higher Ed Committee as a revision to ARS 25-406; Patricia Cummins, Self: Please pass, I support this bill.; Joe Phillips, Self: Please support these restraints on these court appointed experts who commonly abuse their discretion and harm our kids.; Angela Sweeny, Self: Thank-you so much for doing something to protect us and our children from these parenting coordinators. I am trying very hard to get there for the hearing to speak in person.; Greg Roberts, Self: I support these protections for our families and children in Family Court.; Ray Farzan, Self: Please protect our families and children from these unregulated elements of the Family Court.; Renee Moore, Self: I'm very sorry that I can't make it for the meeting but these parenting coordinators have caused immeasurable harm to my family and many others. Please do something to protect us and our kids.; Al Tracy, Self: Please protect our children from Parenting Coordinators who make things worse so they can churn billable hours.; James Caskey, Self: I plan on being there for the meeting but not sure yet. Thank-you for your efforts to protect our kids.; Ken Higginbotam, Self: Please support this bill and PROTECT OUR KIDS!; Larry Lynch, Self: I personally know people whose kids have been hurt and their money stolen by these unregulated PCs.; Terry Decker, Self: I have examples of how minions of the court have lied to the court, exparte communication with judge is common, where the judge has relied upon appointees that have had their licenses revoked for being "too mentally impaired" to practice.; Lynn Handsaker, Self: I'm sorry I cannot be there but the horror stories about parenting coordinators could take a week to tell so it would be less blathering to pass this bill than listen to me.; Troy Cantor, Self: I might still make it in person for this bill to regulate PCs. If I do you will hear quite a story.; Wade Singleton, Self: I have work commitments but suffice it to say that Parenting Coordinators have become a ridiculous problem that cries out for a solution.; Ann Blanchard, Self: I am right now trying desperately to get a parenting coordinator off our case because they have only made things worse so they can charge us endless money to fix problems created by them.; Jenny Kayat, Self: Thank GOD our ordeal with parenting coordinators is over but it was extremely stressful and expensive waste of time and resources and my children have suffered. Please do something to regulate these people. At this time they have no accountability.; Sari Lange, Self: I'm sorry but I live in Queen creek and cannot attend but please do something to regulate all of these court appointed experts. Thank-You Very Much; Martin Lynch, Self: There is a "shocking" lack of accountability for PCs. "Judicial Immunity" for people empowered to "order you" to hand over all your money? If they fix your problems, they get no more money. How could corruption not develop under such circumstances?; Amy Love, Arizona Supreme Court Admin. Office Of The : working w/sponsor to address genesis of bill.S/E amendment is problematic. Forces parties to come to court who otherwise wouldn't, prohibits parties from entering into agreements, and conflicts with the rules of evidence governing these proceedings.; Christopher Campbell, Self: I support Rep. Kern's ammendment to this bill.; Damon Fiori, Self: This is a positive step in the right direction for families. The current practice employed by court appointed psychologists permits an unlimited scope and maximizes billable hours. This language brings much needed accountability to the system.; Alfredo Trujillo, Self: Please vote YES. Abuse of authority runs rampant and hurt families and more specifically children. Legislation is already changing to remove drama that just makes a select few money and allows for equalized parenting. Be on the right side of history.; Cara Nicole Trujillo, Self: We desperately need accountability and clarity to the appointment of Court Appointees in family court. We need finding of facts and evidence rather than the he said she said that currently results in harm to children and financial hardships.; Brent Miller, Self: On striker we support a bill which limits the state and judiciary, and continues to focus on parents resolving their own issues in dissolution or custody proceedings.; Deb Gullett, Maricopa County Superior Court: Oppose the strike everything amendment; Crystal Harris, Self: I support this striker; Susie Stevens, Arizona Psychological Association: AzPA has concerns with this strike-everything, and hopes we can participate in further discussions about this bill. Thank you.; Michael Manola, Self: Parenting Coordinators are being forced on parents making minimum wages for PC fees of \$250/hr. As in my case, you are not able to pay, the PC begins then gives recommendations against you. Its "Pay to Play" or "Pay for Due Process". Please approve.;

Karen Duckworth, Self: I am in support of this striker- it is a necessary step to update the language of Rules / Statutes to match the public consensus for policies regarding PC appointments / practices affecting so many families. This striker will have a positive impact.; Aaron Carlton, Self: It is important during dissolution or custody proceedings for the Court to limit is excessive discretion and attempts to be a super parent, and focus on encouraging parents to be parents during those proceedings and nor relying on someone else.; Clayton LaPan, Self: This Bill does what Title 25 needs at various points . . . A restraint on Courts and their 'expensive' appointments contributing to the stress of custody and dissolution proceedings. Empower parents to work together, not imposed experts.

HB2591, civil traffic violations; alternative service

Testified as opposed:

Liana Garcia, REDFLEX TRAFFIC SYSTEMS

Oppose:

Stan Barnes, AMERICAN TRAFFIC SOLUTIONS INC; Douglas Cole, PARADISE VALLEY, TOWN OF; Deb Gullett, REDFLEX TRAFFIC SYSTEMS; Michael Cavaiola, representing self; Dale Wiebusch, Legislative Associate, LEAGUE OF ARIZONA CITIES & TOWNS

HB2600, technical correction; double punishment

Testified in support:

Rene Guillen, AZ GOVERNOR'S OFFICE; Bill Fathauer, Arizona Department Of Transportation; James Keegan, representing self

Testified as neutral:

Eric Spencer, AZ SECRETARY OF STATE

Testified as opposed:

Sandy Bahr, Sierra Club - Grand Canyon Chapter; James McPherson, representing self

Support:

Bill Boyd, ARIZONA STATE FORESTER; Kevin Biesty, ADOT

Neutral:

Bret Parke, representing self

Oppose:

Ann Hutchinson, representing self; Elna Otter, representing self; Elizabeth Woodin, representing self; Robert White, representing self; Jennifer Martin, representing self; Scott Jones, representing self; Lani Lott, representing self; Kathy Mohr-Almeida, Ph.D., representing self; Michelle Lund, representing self; Kenneth Bierman, representing self; Janice Miano, representing self; Karen Michael, representing self; Thomas Hulen, representing self; Diana Rhoades, representing self

All Comments:

Sandy Bahr, Sierra Club - Grand Canyon Chapter: We are very opposed to repeal of the State Parks Board.; Ann Hutchinson, Self: Do not repeal the AZ State Parks Board; their input and oversight are critical to the parks operations.; Elna Otter, Self: I am truly puzzled over why one would want to repeal the State Parks board. Parks should be supported!; Elizabeth Woodin, Self: I am opposed to the repeal of the State Parks Board.; Robert White, Self: Keep the State Parks Board as a functioning Board. We need our state parks maintained and operated by an entity the knows and understands Parks.; Kevin Biesty, ADOT: ADOT supports the proposed Shope strike everything amendment.; Jennifer Martin, Self: Boards are often made up of different Governors' appointees, who have to work together. This has a moderating effect and places a barrier between public agencies and radical changes that could be hard to recover from. Keep power in the hands of many; Scott Jones, Self: I oppose the repeal of the State Parks Board. Its input is critical to the proper management of our Arizona State Parks as their important role as a tourism generator for our rural communities.; Kathy Mohr-Almeida, Ph.D., Self: Do not repeal the state parks board.; Janice Miano, Self: Please keep citizens' committees intact.; James McPherson, Self: My request only pertains to the proposed repeal of the State Parks Board. My name is Jim McPherson, Vice President of the Arizona Heritage Alliance, one of numerous stakeholder groups of the State Parks Board and staff.; Thomas Hulen, Self: I support Arizona State Parks. This bill serves only to destroy state parks. Most Arizonans support the state park system and this bill is contrary to the will of the people. Let's make state parks better!; James Keegan, Self: Deputy Director State Parks; Diana Rhoades, Self: Our State Parks are valuable resources that need to be managed in the public's interests. Please do not remove management decisions from the Parks Board.; Bret Parke, Self: Available to answer questions re WQARF Board continuation.

HB2610, Indian nations; tribes; legislative day

Support:

Norris Nordvold, INTER TRIBAL COUNCIL OF ARIZONA

Neutral:

Kristine FireThunder, AZ COMMISSION OF INDIAN AFFAIRS

All Comments:

Norris Nordvold, INTER TRIBAL COUNCIL OF ARIZONA: ITCA hopes that by moving tribal day to the first week of session, more members will be able to attend the Joint session to meet with tribal leaders.

HB2615, campuses; free speech zone; prohibition

Testified as neutral:

Kody Kelleher, AZ BOARD OF REGENTS

Neutral:

Kristen Boilini, Arizona Community College Association

All Comments:

Kody Kelleher, AZ BOARD OF REGENTS: ABOR has not adopted an official position on this bill. However, it is important to specify there are no "free speech zones" at any Arizona public university.; Kristen Boilini, Arizona Community College Association: We are currently working on free speech language with Representative Boyer

HB2656, homeowners' associations; cumulative voting; prohibition**Support:**

Jason Barraza, Associate Director, AZ ASSN OF COMMUNITY MANAGERS (AACM)



HOUSE OF REPRESENTATIVES

HB 2647

technical correction; state facilities

Prime Sponsor: Representative Montenegro, LD 13

X Committee on Government and Higher Education

Caucus and COW

House Engrossed

OVERVIEW

HB 2647 makes a technical correction relating to state facilities.

PROVISIONS

1. Makes technical changes.

CURRENT LAW

The Arizona Department of Administration has the following powers and duties relating to facilities planning and construction: 1) review all architectural, engineering and construction contracts before submission; 2) approve plans and specifications and changes thereof for all capital projects; 3) review and approve all progress payments on all major capital projects; and 4) make regular inspections during the course of construction (A.R.S. § 41-791.01).

Attachment 3

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON GOVERNMENT AND HIGHER EDUCATION BILL NO. HB 2647

DATE February 18, 2016 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Ms. Alston	✓	✓			
Mr. Larkin					✓
Mr. Lovas					✓
Mr. Olson					✓
Mr. Petersen		✓			
Mr. Saldate	✓	✓			
Ms. Townsend					✓
Mr. Ackerley, Vice-Chairman		✓			
Mr. Thorpe, Chairman		✓			
		<u>5</u>	<u>0</u>	<u>0</u>	<u>4</u>

APPROVED:

Bob Thorpe
BOB THORPE, Chairman
J. CHRISTOPHER ACKERLEY, Vice-Chairman

May Reilly
COMMITTEE SECRETARY

ATTACHMENT _____

Attachment 4



HOUSE OF REPRESENTATIVES

HB 2471

technical correction; college savings plan
Prime Sponsor: Representative Ackerley, LD 2

X Committee on Government and Higher Education

Caucus and COW

House Engrossed

OVERVIEW

HB 2471 makes technical corrections to student loan, grant or financial assistance programs.

PROVISIONS

1. Makes technical changes.

CURRENT LAW

Any student loan program, student grant program or other financial assistance program established or administered by this state must treat the balance in an account of which the student is a designated beneficiary as neither an asset of the parent of the designated beneficiary nor as a scholarship, a grant or an asset of the student for determining a student's or parent's income, assets or financial need. This applies to any state appropriated financial assistance program administered by a college or university in Arizona unless any of the following conditions exist: 1) federal law requires all or a portion of the amount in an account to be taken into consideration in a different manner; 2) federal benefits could be lost if all or a portion of the amount in an account is not taken into consideration in a different manner; or 3) specific grant establishing a financial assistance program requires that all or a portion of the amount in an account be taken into consideration (A.R.S. § 15-1877).

Attachment 5

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2471

(Reference to printed bill)

- 1 Page 1, after line 27, insert:
- 2 "D. THIS SECTION DOES NOT APPLY TO PROGRAMS THAT ARE NOT ESTABLISHED
- 3 OR ADMINISTERED BY THIS STATE."
- 4 Amend title to conform

J. CHRISTOPHER ACKERLEY

2471ACKERLEY
02/17/2016
10:40 AM
H: SC/rca

Adopted ☒ # of Verbals _____
Failed _____ Withdrawn _____
Not Offered _____ Analysts Initials _____

Attachment 6

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON GOVERNMENT AND HIGHER EDUCATION BILL NO. HB 2471

DATE February 18, 2016 MOTION: DPA

	PASS	AYE	NAY	PRESENT	ABSENT
Ms. Alston		✓			
Mr. Larkin					✓
Mr. Lovas		-			✓
Mr. Olson					✓
Mr. Petersen	✓	✓			
Mr. Saldate		✓			
Ms. Townsend					✓
Mr. Ackerley, Vice-Chairman		✓			
Mr. Thorpe, Chairman		✓			
		5	0	0	4

APPROVED:

Bob Thorpe
BOB THORPE, Chairman
J. CHRISTOPHER ACKERLEY, Vice-Chairman

Mary Reilly
COMMITTEE SECRETARY

ATTACHMENT _____



HOUSE OF REPRESENTATIVES

HB 2100

state agency reports; electronic submission
Prime Sponsor: Representative Allen J, LD 15

X Committee on Government and Higher Education

Caucus and COW

House Engrossed

OVERVIEW

HB 2100 allows state government to submit all statutorily required reports (reports) and budget estimates electronically.

PROVISIONS

1. Allows state government to submit all reports and budget estimates electronically.
2. Requires state government to:
 - a. post all reports and budget estimates on the state government website; and
 - b. consult with the Secretary of State to ensure the Arizona State Library Archives and Public Records (ASLPR) receives an adequate number of copies in an agreed upon format.

CURRENT LAW

ASLPR is the central depository of all official books, records and documents not in current use of the state officers and departments. The state archives must be carefully kept and preserved, classified, catalogued and made available for inspection under the rules the director adopts (A.R.S. § 41-151.09).

State government is defined as any department, commission, board, institution or other agency of the state organization receiving, expending or disbursing state funds or incurring obligations against the state (A.R.S. § 41-4601).

Attachment 8

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON GOVERNMENT AND HIGHER EDUCATION BILL NO. HB 2100

DATE February 18, 2016 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Ms. Alston	✓	✓			
Mr. Larkin					✓
Mr. Lovas					✓
Mr. Olson					✓
Mr. Petersen		✓			
Mr. Saldate		✓			
Ms. Townsend		✓			
Mr. Ackerley, Vice-Chairman		✓			
Mr. Thorpe, Chairman		✓			
		6	0	0	3

APPROVED:



BOB THORPE, Chairman

J. CHRISTOPHER ACKERLEY, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT _____



HOUSE OF REPRESENTATIVES

HB 2438

personal identifiable information

Prime Sponsor: Representative Stevens, LD 14

X Committee on Government and Higher Education

Caucus and COW

House Engrossed

STRIKE-EVERYTHING SUMMARY

The strike-everything amendment to HB 2438 specifies the transmission of an individual's social security number.

PROVISIONS

1. Allows a government agency to transmit material containing both an individual's social security number and bank, savings and loan association or credit union number if the social security number is in a *redacted* or *encrypted* form.
2. Allows a government agency to transmit personal information that is not a social security number.
3. Makes technical and conforming change.

CURRENT LAW

A person or entity is prohibited from requiring the transmission of an individual's social security number over the internet unless the connection is secure or the social security number is encrypted. A government agency is prohibited from transmitting to an individual material that contains both an individual's social security number and bank, savings, and loan association or credit union account number, unless these documents are part of an application or enrollment process or to establish, amend or terminate an account, construct or policy, or to confirm accuracy of that information. An *individual* is defined as an Arizona resident (A.R.S. § 44-1373).

Encrypted is defined as the use of an algorithmic process to transform data into a form in which the data is rendered unreadable or unusable without a confidential process or key. *Redact* means alter or truncate data such that no more than the last four digits of a social security number, driver license number, non-operating identification license number, financial account number or credit or debit card number is accessible as part of the personal information (A.R.S. § 44-7501).

Attachment 10

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2438

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 44-1373, Arizona Revised Statutes, is amended to
3 read:

4 44-1373. Restricted use of personal identifying information;
5 civil penalty; definition

6 A. Except as otherwise specifically provided by law, beginning on
7 January 1, 2005, a person or entity shall not:

8 1. Intentionally communicate or otherwise make an individual's social
9 security number available to the general public.

10 2. Print an individual's social security number on any card required
11 for the individual to receive products or services provided by the person or
12 entity.

13 3. Require the transmission of an individual's social security number
14 over the internet unless the connection is secure or the social security
15 number is encrypted.

16 4. Require the use of an individual's social security number to access
17 an internet ~~web-site~~ WEBSITE, unless a password or unique personal
18 identification number or other authentication device is also required to
19 access the site.

20 5. Print a number that the person or entity knows to be an
21 individual's social security number on any materials that are mailed to the
22 individual, unless state or federal law requires the social security number
23 to be on the document to be mailed. This paragraph does not prohibit the

Attachment //

Adopted / # of Verbals _____
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Not Offered _____ Analysts Initials _____

1 mailing of documents that include social security numbers sent as part of an
2 application or enrollment process or to establish, amend or terminate an
3 account, contract or policy or to confirm the accuracy of the social security
4 number. In a transaction involving or otherwise relating to an individual,
5 if a person or entity receives a number from a third party, the person or
6 entity has no duty to inquire or otherwise determine if the number is or
7 includes that individual's social security number. The person or entity may
8 print that number on materials that are mailed to the individual, unless the
9 person or entity that received the number has actual knowledge that the
10 number is or includes the individual's social security number. This
11 paragraph does not prohibit the mailing to the individual of any copy or
12 reproduction of a document that includes a social security number if the
13 social security number was included on the original document before
14 January 1, 2005.

15 B. Notwithstanding subsection A OF THIS SECTION, a person or entity
16 that before January 1, 2005 used an individual's social security number in a
17 manner inconsistent with subsection A OF THIS SECTION may continue using that
18 individual's social security number in that manner on and after January 1,
19 2005 subject to the following conditions:

20 1. The use of the social security number must be continuous. If the
21 use is stopped for any reason, subsection A OF THIS SECTION applies.

22 2. Beginning in 2005, the person or entity must provide the individual
23 with an annual written disclosure of the individual's right to stop the use
24 of the social security number in a manner prohibited by subsection A OF THIS
25 SECTION.

26 3. If the individual requests in writing, the person or entity must
27 stop using the social security number in a manner prohibited by subsection A
28 OF THIS SECTION within thirty days after receiving the request. No fee or
29 charge is allowed for implementing the request, and the person or entity
30 shall not deny services to the individual because of the request.

1 C. This section does not prohibit the collection, use or release of a
2 social security number as required by the laws of this state or the United
3 States or for internal verification or administrative purposes.

4 D. Beginning on January 1, 2005, this state or any political
5 subdivision of this state shall not use an individual's social security
6 number on state issued or political subdivision issued forms of
7 identification.

8 E. This section does not prohibit an agency of this state or a
9 political subdivision of this state from disseminating or using the last four
10 numbers of an individual's social security number.

11 F. A government agency shall not transmit to an individual material
12 that contains both an individual's social security number and bank, savings
13 and loan association or credit union account number UNLESS THE SOCIAL
14 SECURITY NUMBER IS TRANSMITTED IN A REDACTED OR ENCRYPTED FORM. This
15 subsection does not prohibit EITHER OF THE FOLLOWING:

16 1. The transmitting of documents that include social security and
17 bank, savings and loan association or credit union account numbers as a part
18 of an application or enrollment process or to establish, amend or terminate
19 an account, contract or policy or to confirm the accuracy of the social
20 security, bank, savings and loan association or credit union account number.

21 2. THE TRANSMITTING OF PERSONAL INFORMATION THAT IS NOT A SOCIAL
22 SECURITY NUMBER.

23 G. Except as otherwise provided by law, documents or records that are
24 recorded and made available on the recording entity's public web site after
25 ~~the effective date of this amendment to this section~~ WEBSITE BEGINNING
26 JANUARY 1, 2007 shall not contain more than five numbers that are reasonably
27 identifiable as being part of an individual's social security number and
28 shall not contain an individual's:

- 29 1. Credit card, charge card or debit card numbers.
30 2. Retirement account numbers.
31 3. Savings, checking or securities entitlement account numbers.

1 H. Only the attorney general or a county attorney, or both, may
2 commence a legal action for a violation of this section.

3 I. A person or entity is subject to a civil penalty of up to five
4 hundred dollars for each act of recording that violates subsection G OF THIS
5 SECTION. The civil penalty shall not apply to a person or entity that
6 transmits the document for recording but has no authority for the creation of
7 the document.

8 J. A county agency is not subject to civil liability for any action
9 relating to information recorded pursuant to subsection G OF THIS SECTION.

10 K. For the purposes of this section, "individual" means a resident of
11 this state."

12 Amend title to conform

BOB THORPE

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02/12/2016
1:12 PM
C: MU

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON GOVERNMENT AND HIGHER EDUCATION BILL NO. HB 2438

DATE February 18, 2016 MOTION: DPA/SE

	PASS	AYE	NAY	PRESENT	ABSENT
Ms. Alston		✓			
Mr. Larkin					✓
Mr. Lovas					✓
Mr. Olson		✓			
Mr. Petersen		✓			
Mr. Saldate		✓			
Ms. Townsend		✓			
Mr. Ackerley, Vice-Chairman		✓			
Mr. Thorpe, Chairman		✓			
		7	0	0	2

APPROVED:

Bob Thorpe
BOB THORPE, Chairman
J. CHRISTOPHER ACKERLEY, Vice-Chairman

Mary Reilly
COMMITTEE SECRETARY

ATTACHMENT _____

Attachment 12



HOUSE OF REPRESENTATIVES

HB 2550

software; budget units; sharing

Prime Sponsor: Representative Stevens, LD 14

X Committee on Government and Higher Education

Caucus and COW

House Engrossed

OVERVIEW

HB 2550 allows a budget unit (BU) to produce government off-the-shelf software for other BUs.

PROVISIONS

1. Permits a BU or a private entity with funding, specifications and oversight from a BU to produce and provide government off-the-shelf software to other BUs with no cost or warranty.
2. Defines *government off-the-shelf software*.

CURRENT LAW

Budget unit is defined as a department, commission, board, institution or other agency of the state receiving, expending or disbursing state funds or incurring obligations of the state including the Arizona board of regents (ABOR) but excluding the universities under the jurisdiction of ABOR, the community college districts and the legislative or judicial branches (A.R.S. § 41-3501).

Attachment 13

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON GOVERNMENT AND HIGHER EDUCATION BILL NO. HB 2550

DATE February 18, 2016 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Ms. Alston		✓			
Mr. Larkin					✓
Mr. Lovas					✓
Mr. Olson		✓			
Mr. Petersen		✓			
Mr. Saldate		✓			
Ms. Townsend		✓			
Mr. Ackerley, Vice-Chairman		✓			
Mr. Thorpe, Chairman		✓			
		7	0	0	2

APPROVED:

Bob Thorpe
BOB THORPE, Chairman
J. CHRISTOPHER ACKERLEY, Vice-Chairman

Mary Reilly
COMMITTEE SECRETARY

ATTACHMENT _____



HOUSE OF REPRESENTATIVES

HB 2656

homeowners' associations; cumulative voting; prohibition

Prime Sponsor: Representative Clark, LD 24

X Committee on Government and Higher Education

Caucus and COW

House Engrossed

OVERVIEW

HB 2656 prohibits a homeowners' association (HOA) from using cumulative voting.

PROVISIONS

1. Prohibits the use of cumulative voting by a condominium or planned communities' HOA.

CURRENT LAW

The condominium declaration must allocate a fraction or percentage of undivided interests in the common elements and in the common expenses, and a portion of the votes, to each unit and state the formulas used to establish those allocations. Additionally, the declaration may provide for cumulative voting only for the purpose of electing members of the board of directors (A.R.S. § 33-1217).

If the articles of incorporation or bylaws provide for cumulative voting, a member may cumulate their votes for directors by multiplying the number of votes the member is entitled to cast by the number of directors for whom they are entitled to vote and cast the product for a single candidate or distribute the product among two or more candidates (A.R.S. § 10-3275).

ADDITIONAL INFORMATION

According to the U.S. Securities and Exchange Commission, *cumulative voting* allows shareholders to cast all of their votes for a single nominee for the board of directors when the company has multiple openings on its board.

Attachment 15

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON GOVERNMENT AND HIGHER EDUCATION BILL NO. HB 2656

DATE February 18, 2016 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Ms. Alston		✓			
Mr. Larkin		✓			
Mr. Lovas					✓
Mr. Olson		✓			
Mr. Petersen		✓			
Mr. Saldate		✓			
Ms. Townsend		✓			
Mr. Ackerley, Vice-Chairman		✓			
Mr. Thorpe, Chairman		✓			
		8	0	0	1

APPROVED:

Bob Thorpe
BOB THORPE, Chairman
J. CHRISTOPHER ACKERLEY, Vice-Chairman

Mary Reilly
COMMITTEE SECRETARY

ATTACHMENT _____



HOUSE OF REPRESENTATIVES

HB 2615

campuses; free speech zone; prohibition

Prime Sponsor: Representative Kern, LD 20

X Committee on Government and Higher Education

Caucus and COW

House Engrossed

OVERVIEW

HB 2615 prohibits the designation of any area on a community college or university as a free speech zone.

PROVISIONS

1. Prohibits a community college or university from designating any area on campus as a free speech zone.
2. Requires conversion of any free speech zone to a monument or memorial in existence on the effective date.

CURRENT LAW

A university or community college is prohibited from restricting a student's right to speak, including verbal speech, holding a sign or distributing fliers or other materials, in a public forum. The only circumstances in which a public postsecondary institution may restrict a student's speech in a public forum is if the restriction is both in furtherance of a compelling governmental interest and is the least restrictive means of furthering the compelling governmental interest (A.R.S. § 15-1864).

A *public forum* includes any open, outdoor area on the campus of a university or community college and any facilities, buildings or parts of buildings that have been opened to students or student organizations for expression (A.R.S. § 15-1861).

Attachment 12

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON GOVERNMENT AND HIGHER EDUCATION BILL NO. HB 2615

DATE February 18, 2016 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Ms. Alston			✓		
Mr. Larkin					✓
Mr. Lovas	✓	✓			
Mr. Olson		✓			
Mr. Petersen		✓			
Mr. Saldate			✓		
Ms. Townsend		✓			
Mr. Ackerley, Vice-Chairman		✓			
Mr. Thorpe, Chairman		✓			
		6	2	0	1

APPROVED:

Bob Thorpe
BOB THORPE, Chairman
J. CHRISTOPHER ACKERLEY, Vice-Chairman

Mary Rully
COMMITTEE SECRETARY

ATTACHMENT _____

Attachment 18



HOUSE OF REPRESENTATIVES

HB 2216

technical correction; veterans

Prime Sponsor: Representative Kern, LD 20

X Committee on Government and Higher Education

Caucus and COW

House Engrossed

STRIKE-EVERYTHING SUMMARY

The strike-everything amendment to HB 2216 authorizes a political party to nominate candidates for the primary election ballot by political party caucus.

PROVISIONS

1. Allows, as an alternative to circulating and submitting nomination petitions, a political party caucus to determine the qualification of its candidates for appearance on the primary election ballot for the following offices:
 - a. U.S. Senate and U.S. House of Representatives;
 - b. Governor, Secretary of State, Attorney General, State Treasurer, Superintendent of Public Instruction and State Mine Inspector.
 - c. Arizona State Senate and Arizona House of Representatives;
 - d. any countywide office; and
 - e. any partisan city or town office.
2. Requires the political party to establish its own procedures for determining by caucus which of its candidates for nomination will appear on that political party's primary ballot election.
3. Specifies candidates for nonpartisan political offices are determined as otherwise provided by law.

CURRENT LAW

Any person desiring to become a candidate at a primary election for a political party must file a nomination paper 90 to 120 days before the primary election that includes: 1) the actual address or description of place of residence and post office address; 2) their political party; 3) the office and district or precinct sought; 4) manner of name appearing on the official ballot; 5) date of primary; 6) date of general election, if nominated; 7) signed affidavit; and 8) a financial disclosure statement, if applicable (A.R.S. § 16-311).

After filing a nomination paper a candidate must receive a specified number of signatures of qualified voters registered in the electoral district of the office the candidate is seeking. The number of required signatures is dependent on the office the candidate is seeking (A.R.S. §§ 16-321 and 16-322).

Attachment 19

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2216

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Title 16, chapter 3, article 1, Arizona Revised Statutes,
3 is amended by adding section 16-303, to read:

4 16-303. Qualification for nomination by party caucus; applicability

5 A. NOTWITHSTANDING ANY OTHER LAW, A POLITICAL PARTY THAT IS ENTITLED
6 TO REPRESENTATION ON THE BALLOT PURSUANT TO CHAPTER 5, ARTICLE 1 OF THIS
7 TITLE:

8 1. MAY PROVIDE FOR A POLITICAL PARTY CAUCUS AS THE METHOD FOR
9 DETERMINING THE QUALIFICATION OF ITS CANDIDATES FOR APPEARANCE ON THE PRIMARY
10 ELECTION BALLOT OF THAT POLITICAL PARTY AS AN ALTERNATIVE TO THE CIRCULATION
11 AND SUBMITTAL OF NOMINATION PETITIONS PURSUANT TO THIS CHAPTER.

12 2. SHALL ESTABLISH ITS OWN PROCEDURES FOR DETERMINING BY CAUCUS WHICH
13 OF ITS CANDIDATES FOR NOMINATION WILL APPEAR ON THAT POLITICAL PARTY'S
14 PRIMARY ELECTION BALLOT, IF USING THE POLITICAL PARTY CAUCUS METHOD.

15 B. THIS SECTION APPLIES TO AND A POLITICAL PARTY MAY PROVIDE FOR A
16 POLITICAL PARTY CAUCUS TO DETERMINE CANDIDATES ON THE PRIMARY ELECTION BALLOT
17 FOR ANY ONE OR MORE OF THE FOLLOWING OFFICES:

18 1. UNITED STATES SENATE AND UNITED STATE HOUSE OF REPRESENTATIVES.

19 2. GOVERNOR, SECRETARY OF STATE, ATTORNEY GENERAL, STATE TREASURER,
20 SUPERINTENDENT OF PUBLIC INSTRUCTION AND STATE MINE INSPECTOR.

21 3. ARIZONA STATE SENATE AND ARIZONA HOUSE OF REPRESENTATIVES.

22 4. ANY COUNTYWIDE OFFICE.

23 5. ANY PARTISAN CITY OR TOWN OFFICE.

Adopted <input checked="" type="checkbox"/>	# of Verbals _____
Failed <input type="checkbox"/>	Withdrawn _____
Not Offered _____	Analysts Initials _____

House Amendments to H.B. 2216

- 1 C. CANDIDATES FOR NONPARTISAN POLITICAL OFFICES SHALL BE DETERMINED AS
- 2 OTHERWISE PROVIDED BY LAW."
- 3 Amend title to conform

BOB THORPE

2216THORPE
02/12/2016
11:27 AM
H: sc/ajh

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON GOVERNMENT AND HIGHER EDUCATION BILL NO. HB 2216

DATE February 18, 2016

MOTION: ~~DPA/SE~~
FAILED

	PASS	AYE	NAY	PRESENT	ABSENT
Ms. Alston			✓		
Mr. Larkin					✓
Mr. Lovas		✓			
Mr. Olson		✓			
Mr. Petersen			✓		
Mr. Saldate			✓		
Ms. Townsend			✓		
Mr. Ackerley, Vice-Chairman				✓	
Mr. Thorpe, Chairman		✓			
		3	4	1	1

APPROVED:



BOB THORPE, Chairman

J. CHRISTOPHER ACKERLEY, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT _____



HOUSE OF REPRESENTATIVES

HB 2616

claims; public agency; independent adjuster
Prime Sponsor: Representative Kern, LD 20

X Committee on Government and Higher Education

Caucus and COW

House Engrossed

OVERVIEW

HB 2616 requires a public officer or employee to recuse themselves from any claim in which they have a relationship with the person bringing the claim and directs public agencies to use a state-approved independent risk management claims adjuster (adjuster).

PROVISIONS

1. Requires any public officer or employee of a public agency to put into the official record any personal or professional relationship with a person who has substantial interest in any legal claim against the public agency.
2. Directs the public officer or employee to refrain from voting or participating in any manner in the legal claim.
3. Requires a public agency to use a state-approved adjuster concerning any legal claim filed by a public officer or employee.
4. Requires the adjuster to investigate the claim.
5. Allows the adjuster to negotiate a settlement of the claim.
6. States a public agency cannot adjust a claim settled by the adjuster unless the agency refers the adjustment to a vote at a special or general election.
7. Directs the Arizona Department of Administration to establish a list of state-approved adjusters.

CURRENT LAW

Any public officer or employee of a public agency who has or is related to a person with substantial interest in any contract, sale, purchase or service to such public agency must make known their interest in the official record and refrain from voting or participating in any manner concerning the issue (A.R.S. § 38-503). Any public officer or employee who intentionally violates this law is guilty of a Class 6 felony and forfeit their public office or employment (A.R.S. § 38-510).

Public agency is defined in statute as all courts, departments, agencies, boards commissions, institutions, instrumentality or legislative or administrative body of the state, county, an incorporated town or city and any other political subdivision (A.R.S. § 38-502).

Attachment 22

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON GOVERNMENT AND HIGHER EDUCATION BILL NO. HB 2616

DATE February 18, 2016 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Ms. Alston	✓		✓		
Mr. Larkin					✓
Mr. Lovas		✓			
Mr. Olson		✓			
Mr. Petersen		✓			
Mr. Saldate			✓		
Ms. Townsend					✓
Mr. Ackerley, Vice-Chairman		✓			
Mr. Thorpe, Chairman		✓			
		5	2	0	2

APPROVED:

Bob Thorpe
BOB THORPE, Chairman
J. CHRISTOPHER ACKERLEY, Vice-Chairman

Mary Reilly
COMMITTEE SECRETARY

ATTACHMENT _____

Attachment 23



HOUSE OF REPRESENTATIVES

HB 2591

civil traffic violations; alternative service

Prime Sponsor: Representative Ugenti-Rita, LD 23

X Committee on Government and Higher Education

Caucus and COW

House Engrossed

OVERVIEW

HB 2591 stipulates that a person's driving privileges are not suspended or revoked following the completion of an alternate service of process.

PROVISIONS

1. Removes substitute service of process for photo enforcement violations.
2. Prohibits suspension or revocation of a person's driving privileges as a result of a citation issued following completion of alternative service of process.

CURRENT LAW

A person who receives a notice of violation in the mail or municipal ordinance for excess speed or failure to obey a traffic control device obtained using a photo enforcement system does not have to do either of the following: 1) identify who is in the photo; or 2) respond to the notice of violation. The notice must state the following: 1) the notice is not a court issued document and the recipient is under no obligation to identify the person or respond to the notice; and 2) failure to respond may result in official service resulting in an additional fee being levied. In addition to other means authorized by the Arizona Rules of Civil Procedures, alternative or substitute service of process must be sent by certified mail with an additional copy by regular mail and a notice posted on the front door of the business or residence and, if present and accessible, a residence garage door. Service of the complaint is complete on filing the mailing receipt and proof of posting in the court having jurisdiction of the violation (A.R.S. § 28-1602).

On notification that a person failed to appear as directed for a scheduled court appearance after service of the complaint alleging a violation the Arizona Department of Transportation is required to suspend the person's driver license or nonresident operating privilege until the person appears, the fine or civil penalty is paid or a bond is forfeited (A.R.S. § 28-3308).

Attachment 24

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON GOVERNMENT AND HIGHER EDUCATION BILL NO. HB 2591

DATE February 18, 2016 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Ms. Alston		✓			
Mr. Larkin					✓
Mr. Lovas		✓			
Mr. Olson		✓			
Mr. Petersen		✓			
Mr. Saldate		✓			
Ms. Townsend		✓			
Mr. Ackerley, Vice-Chairman		✓			
Mr. Thorpe, Chairman		✓			
		8	0	0	1

APPROVED:


BOB THORPE, Chairman
J. CHRISTOPHER ACKERLEY, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT _____



HOUSE OF REPRESENTATIVES

HB 2600

technical correction; double punishment

Prime Sponsor: Representative Shope, LD 8

X Committee on Government and Higher Education

Caucus and COW

House Engrossed

STRIKE-EVERYTHING SUMMARY

The proposed strike-everything amendment to HB 2600 repeals specified state boards and committees.

PROVISIONS

1. Repeals the following:
 - a. the Citizens Transportation Oversight Committee;
 - b. the Advisory Board of the Arizona State Library, Archives and Public Records;
 - c. the Arizona State Parks Board;
 - i. transfers power to the Arizona State Parks Director;
 - d. the State Wildland-Urban Fire Safety Committee; and
 - e. the Water Quality Assurance Revolving Fund Advisory Board.
2. Directs Legislative Council to prepare proposed conforming legislation for consideration in the Fifty-third Legislature, First Regular Session.
3. Makes technical and conforming changes.

CURRENT LAW

Citizens Transportation Oversight Committee

The 3-member Committee facilitates citizen involvement in the decision-making process for planning and construction of freeways, arterial streets and transit improvements funded by the one-half cent sales tax in Maricopa County and in the Maricopa Association of Governments Regional Transportation Plan (A.R.S. § 28-6356). The Arizona Department of Transportation provides administrative support (A.R.S. § 28-6357).

Advisory Board of the Arizona State Library, Archives and Public Records

The 11-member Board advises the Arizona Secretary of State in the supervision of the State Library (A.R.S. § 41-151.02).

Arizona State Parks Board

The 7-member Board selects, acquires, preserves, establishes and maintains areas of natural features, scenic beauty, historical and scientific interest, zoos and botanical gardens, for the education, pleasure, recreation and health of the people (A.R.S. § 41-511 et al). The Board is set to terminate on July 1, 2023 (A.R.S. § 41-3023.06).

Attachment 26

State Wildland-Urban Fire Safety Committee

The 12-member Committee must develop recommendations for minimum standards for: 1) safeguarding life and property from wildland fire and fire hazards; 2) preventing wildland fires and alleviation of fire hazards; 3) storage, sale, distribution and use of dangerous chemicals, combustibles, flammable liquids, explosives and radioactive materials in wildland-urban interface areas; 4) fire evacuation routes and community alert systems; 5) the creation of defensible spaces in and around wildland-urban interface areas as authorized by existing county and municipal laws and ordinances; 6) the application of adaptive management practices to use in monitoring data from treatment programs to assess the effectiveness of those programs in meeting forest health objectives; and 7) other matters relating to wildland-urban fire prevention and control deemed necessary (A.R.S. § 41-2148).

Water Quality Assurance Revolving Fund Advisory Board

The 17-member Board is required to meet at least quarterly to evaluate the overall effectiveness of the remedial action including: 1) the prioritization of sites; 2) the selection of remedies and their effectiveness; 3) the allocation process; 4) the pace of remedial actions; 5) the adequacy of funding provided for remedial actions and agency responsibilities at current and future sites, including the need for additional funding to account for inflation; 6) the criteria and processes for settlements; 7) the effectiveness of early settlement incentives; 8) the effectiveness of disincentives for parties not willing to participate in the allocation process; 9) the level of coordination between the department of environmental quality and the department of water resources; 10) the effectiveness of incentives to encourage beneficial use of remediated water; 11) the well inspection and cross-contamination prevention program; 12) the pace of rulemaking by the Arizona Department of environmental Quality; 13) the participation of the department of water resources and other state agencies; and 14) any other aspects deemed relevant (A.R.S. § 49-289.04).

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2600

(Reference to the proposed Thorpe s/e amendment dated 2/15/16; 2:01 p.m.)

1 Page 10, line 19, strike the second comma insert "and"; strike "and 41-151.02"

2 Between lines 20 and 21, insert:

3 "Sec. 6. Section 37-622, Arizona Revised Statutes, is amended to read:

4 37-622. Duties of state forester; acceptance of federal law

5 A. The state forester is designated as the agent of the state of
6 Arizona and shall administer the provisions of this chapter. In addition,
7 the state forester shall:

8 1. Perform all management and administrative functions assigned or
9 delegated to this state by the United States relating to forestry and
10 financial assistance and grants relating to forestry.

11 2. Identify sources of information relating to forest management,
12 including wildfire suppression and recovery and administrative and judicial
13 appeals and litigation with respect to timber sales and forest thinning
14 projects in this state, and develop procedures for compiling and transferring
15 that information to the state forester.

16 3. Take necessary action to maximize state fire assistance grants,
17 including establishing timelines for using grant monies and reallocating
18 lapsed grant monies to other projects.

19 4. Conduct education and outreach in forest communities explaining the
20 wildfire threat to private property caused by lack of timber harvesting and
21 thinning.

22 5. Monitor forestry projects and wildfire activities.

Attachment 27

Adopted ✓ # of Verbals _____
Failed _____ Withdrawn _____
Not Offered _____ Analysts Initials _____

1 6. Intervene on behalf of this state and its citizens in
2 administrative and judicial appeals and litigation that challenge
3 governmental efforts supported by the state forester if the state forester
4 determines that intervention is in the best interests of this state.

5 7. Annually develop and implement a comprehensive plan for the
6 deployment of state, county, municipal, fire district, volunteer fire
7 association and private fire service provider contract resources to wildfire
8 suppression activities. The wildfire deployment plan shall take into account
9 anticipated fire conditions and fire severity and may include prepositioning
10 resources as necessary. The state forester shall consult with federal land
11 management firefighting agencies, state and county emergency agencies,
12 municipal fire departments, fire districts, statewide fire district and
13 statewide fire chiefs associations, volunteer fire departments and private
14 fire contractors in the development of a comprehensive wildfire deployment
15 plan, the implementation of standards for training and certification for all
16 classes of wildland fire personnel and the implementation of standards for
17 wildland fire apparatus and equipment that ~~is~~ ARE deployed under cooperative
18 agreements with the state forester.

19 8. Provide necessary oversight to ensure standardized training and
20 certification for all classifications of wildfire firefighters to be
21 deployed, through cooperator agreement with the state forester, to any
22 federal or state wildfire incident.

23 9. DEVELOP RECOMMENDATIONS FOR MINIMUM STANDARDS FOR SAFEGUARDING LIFE
24 AND PROPERTY FROM WILDLAND FIRES AND FIRE HAZARDS, PREVENTING WILDLAND FIRES
25 AND ALLEVIATING FIRE HAZARDS.

26 10. DEVELOP RECOMMENDATIONS FOR MINIMUM STANDARDS FOR THE STORAGE,
27 SALE, DISTRIBUTION AND USE OF DANGEROUS CHEMICALS, COMBUSTIBLES, FLAMMABLE
28 LIQUIDS, EXPLOSIVES AND RADIOACTIVE MATERIALS IN WILDLAND-URBAN INTERFACE
29 AREAS.

30 11. CONSULT WITH THE DEPARTMENT OF PUBLIC SAFETY, THE DEPARTMENT OF
31 EMERGENCY AND MILITARY AFFAIRS AND LOCAL GOVERNMENTS REGARDING THE
32 ESTABLISHMENT OF FIRE EVACUATION ROUTES AND COMMUNITY ALERT SYSTEMS.

1 12. MAKE RECOMMENDATIONS FOR MINIMUM STANDARDS FOR THE CREATION OF
2 DEFENSIBLE SPACES IN AND AROUND WILDLAND-URBAN INTERFACE AREAS AS AUTHORIZED
3 BY EXISTING COUNTY AND MUNICIPAL LAWS AND ORDINANCES.

4 B. During the first regular session of each legislature, the state
5 forester shall present information to the legislative committees with
6 jurisdiction over forestry issues. The state forester shall collaborate
7 with, and invite the participation of, relevant state, federal and local
8 governmental officers and agencies. A written report is not required, but
9 the presentation shall include information concerning:

10 1. Forestry management, including the current conditions of the
11 forests in this state on federal, state and private property as affected by
12 federal, state and local public policies, climatic conditions, wildfire
13 hazards, pest infestations, overgrowth and overgrowth control policies and
14 methods and the effects of current federal policy on forest management and
15 impacts on forest land management.

16 2. The wildland-urban interface, including the effects of county and
17 municipal zoning policies and wildfire hazards on public and private
18 property.

19 3. Wildfire emergency management issues, including:

20 (a) Intergovernmental and interagency primacy, cooperation,
21 coordination, roles and training of federal, state and local forestry,
22 firefighting and law enforcement agencies.

23 (b) Channels and methods of communicating emergency information to the
24 public.

25 (c) The roles of governmental and nongovernmental disaster relief
26 agencies and organizations.

27 (d) The level of federal, state and local emergency funding.

28 C. The state forester may:

29 1. Furnish technical advice to the people of the state on forestry
30 matters.

31 2. Do all other acts necessary to take advantage of and carry out the
32 provisions of the act of Congress described in subsection D.

1 D. This state accepts the provisions of the cooperative forestry
2 assistance act of 1978 (P.L. 95-313; 92 Stat. 365; 16 United States Code
3 chapter 41) providing for federal forestry assistance programs to states.

4 Sec. 7. Repeal

5 Section 41-151.02, Arizona Revised Statutes, is repealed."

6 Renumber to conform

7 Amend title to conform

BOB THORPE

2600THORPE2

02/17/2016

09:52 AM

C: ns

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2600

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 28-304, Arizona Revised Statutes, is amended to
3 read:

4 28-304. Powers and duties of the board; transportation facilities

5 A. The board shall:

6 1. Develop and adopt a statewide transportation policy statement. The
7 policy statement shall be adopted as described in section 28-306.

8 2. Adopt a long-range statewide transportation plan. The plan shall
9 be adopted as described in section 28-307.

10 3. Adopt uniform transportation planning practices and performance
11 based planning processes for use by the department. The practices and
12 processes shall be developed as described in sections 28-502 and 28-503.

13 4. Adopt transportation system performance measures and factors and
14 data collection standards to be used by the department. The performance
15 measures, factors and standards shall be developed as described in sections
16 28-504 and 28-505.

17 B. With respect to highways, the board shall:

18 1. Establish a complete system of state highway routes.

19 2. Determine which state highway routes or portions of the routes are
20 accepted into the state highway system and which state highway routes to
21 improve.

22 3. Establish, open, relocate or alter a portion of a state route or
23 state highway.

Attachment 28

Adopted <input checked="" type="checkbox"/>	# of Verbals <u> </u>
Failed <u> </u>	Withdrawn <u> </u>
Not Offered <u> </u>	Analysts Initials <u> </u>

1 4. Vacate or abandon a portion of a state route or state highway as
2 prescribed in section 28-7209.

3 5. Sell board funding obligations to the state treasurer as provided
4 in section 28-7678.

5 C. The board shall:

6 1. Establish policies to guide the development or modification of the
7 five year transportation facilities construction program that are consistent
8 with the principles of performance based planning developed pursuant to
9 article 7 of this chapter. The percentage of department discretionary monies
10 allocated to the region in the regional transportation plan approved pursuant
11 to chapter 17, article 1 of this title shall not increase or decrease unless
12 the board, in cooperation with the regional planning agency, agrees to change
13 the percentage of the discretionary monies.

14 2. Award all construction contracts for transportation facilities.

15 3. Monitor the status of these construction projects.

16 ~~B. Consistent with the board's responsibilities, the board shall:~~

17 ~~1. Consider the citizens transportation oversight committee's~~
18 ~~recommendations on the five year construction program for the regional~~
19 ~~transportation plan pursuant to chapter 17 of this title.~~

20 ~~2. Respond to any complaint and approve, disapprove or modify~~
21 ~~recommendations regarding a complaint forwarded to it by the citizens~~
22 ~~transportation oversight committee within ninety days after the citizens~~
23 ~~transportation oversight committee forwards a complaint to the board.~~

24 ~~E.~~ D. The board shall determine priority program planning with
25 respect to transportation facilities using the performance based methods
26 developed pursuant to article 7 of this chapter.

27 ~~F.~~ E. With respect to transportation facilities other than highways,
28 the board shall establish, open, relocate, alter, vacate or abandon all or
29 portions of the facilities.

30 ~~G.~~ F. With respect to aeronautics, the board shall perform the
31 functions prescribed in chapter 25 of this title.

1 H. G. The board shall not spend any monies, adopt any rules or
2 implement any policies or programs to convert signs to the metric system or
3 to require the use of the metric system with respect to designing or
4 preparing plans, specifications, estimates or other documents for any highway
5 project before the conversion or use is required by federal law, except that
6 the board may:

7 1. Spend monies and require the use of the metric system with respect
8 to designing or preparing plans, specifications, estimates or other documents
9 for a highway project that is awarded before October 1, 1997 and that is
10 exclusively metric from its inception.

11 2. Prepare for conversion to and use of the metric system not more
12 than six months before the conversion or use is required by federal law.

13 Sec. 2. Section 28-6308, Arizona Revised Statutes, is amended to read:

14 28-6308. Regional planning agency transportation policy
15 committee; regional transportation plan; plan review
16 process; committee termination

17 A. The regional planning agency in the county shall establish a
18 transportation policy committee consisting of twenty-three members as
19 follows:

20 1. Seventeen members of the regional planning agency, including ~~the~~
21 ~~chairperson of the citizens transportation oversight committee~~, one member of
22 the state transportation board who represents the county, one member of the
23 county board of supervisors and one member representing Indian communities in
24 the county.

25 2. Six members who represent regionwide business interests, one of
26 whom must represent transit interests, one of whom must represent freight
27 interests and one of whom must represent construction interests. The
28 president of the senate and the speaker of the house of representatives shall
29 each appoint three members to the committee pursuant to this paragraph.
30 Members who are appointed pursuant to this paragraph serve six-year terms.
31 The chairman of the regional planning agency may submit names to the

1 president of the senate and the speaker of the house of representatives for
2 consideration for appointment to the transportation policy committee.

3 B. Through the regional planning agency, the transportation policy
4 committee shall:

5 1. By a majority vote of the members, recommend approval of a twenty
6 year comprehensive, performance based, multimodal and coordinated regional
7 transportation plan in the county, including transportation corridors by
8 priority and a schedule indicating the dates that construction will commence
9 for projects contained in the plan.

10 2. Develop the plan in cooperation with the regional public
11 transportation authority in the county and the department of transportation
12 and in consultation with the county board of supervisors, Indian communities
13 and cities and towns in the county.

14 3. Submit the plan for review by the regional public transportation
15 authority in the county, the state board of transportation, the county board
16 of supervisors, Indian communities and cities and towns in the county at the
17 alternatives stage of the plan and the final draft stage of the plan. After
18 reviewing the plan, the regional public transportation authority in the
19 county, the county board of supervisors and the state board of
20 transportation, by majority vote of the members of each entity within thirty
21 days after receiving the plan, shall submit a written recommendation to the
22 transportation policy committee that the plan be approved, modified or
23 disapproved. Within thirty days after receiving the plan, Indian communities
24 and cities and towns in the county may submit a written recommendation to the
25 transportation policy committee that the plan be approved, modified or
26 disapproved.

27 4. Consider plan modifications proposed by any of the entities as
28 prescribed in paragraph 3 of this subsection.

29 5. By majority vote, approve, disapprove or further modify each
30 proposed plan modification.

31 6. Provide a written response to the regional public transportation
32 authority, the state board of transportation, the county board of supervisors

1 and the entity that submitted the proposed modification within thirty days
2 after the vote on the proposed modification explaining the affirmation,
3 rejection or further modification of each proposed modification.

4 7. Recommend the plan to the regional planning agency for approval for
5 an air quality conformity analysis.

6 C. The regional transportation plan:

7 1. Shall include the following transportation mode classifications
8 with a revenue allocation to each classification consistent with section
9 42-6105, subsection D:

10 (a) Freeways and other routes in the state highway system.

11 (b) Major arterial streets and intersection improvements.

12 (c) Public transportation systems.

13 2. Shall provide a suggested construction schedule for the
14 transportation projects contained in the plan.

15 3. May be annually updated to introduce new controlled access
16 highways, related grade separations and transportation projects or to modify
17 the existing plan.

18 4. Shall be developed to meet federal air quality requirements
19 established for the region in which it is located.

20 D. Transportation excise tax revenues that are distributed pursuant to
21 section 42-6105, subsection D shall not be redistributed or used for other
22 transportation modes. Except as provided by section 28-6353, subsections D,
23 E and F, transportation excise tax revenues that are dedicated in the plan to
24 a specific project or transportation system may only be redistributed to or
25 otherwise used for another project within the same transportation mode if
26 approved by a majority vote of the transportation policy committee.

27 E. The committee established pursuant to this section ends on July 1,
28 2024 pursuant to section 41-3103.

1 Sec. 3. Section 28-6313, Arizona Revised Statutes, is amended to read:
2 28-6313. Performance audits of proposed transportation projects
3 and systems

4 A. Beginning in 2010 and every fifth year thereafter, the auditor
5 general shall contract with a nationally recognized independent auditor with
6 expertise in evaluating multimodal transportation systems and in regional
7 transportation planning to conduct a performance audit, as defined in section
8 41-1278, of the regional transportation plan and projects scheduled for
9 funding during the next five years.

10 B. With respect to light rail systems, the audit shall consider the
11 criteria used by the federal transit administration pursuant to 49 United
12 States Code section 5309(e)(1)(B) and the interrelationship among the
13 criteria to provide federal funding for light rail systems. For light rail
14 systems, the audit shall also consider:

- 15 1. Service levels.
- 16 2. Capital costs.
- 17 3. Operation and maintenance costs.
- 18 4. Transit ridership.
- 19 5. Farebox revenues.

20 C. The audit shall:

21 1. Examine the regional transportation plan and projects scheduled for
22 funding within each transportation mode based on the performance factors
23 established in section 28-505, subsection A, in the context of the
24 transportation system.

25 2. Review past expenditures of the regional transportation plan and
26 examine the performance of the system in relieving congestion and improving
27 mobility.

28 3. Make recommendations regarding whether further implementation of a
29 project or transportation system is warranted, warranted with modifications
30 or not warranted.

1 D. The auditor general or the auditors contracted to conduct the audit
2 shall periodically update the transportation policy committee regarding the
3 progress of the audit.

4 E. Within forty-five days after the release of the audit, the regional
5 public transportation authority, ~~the citizens transportation oversight~~
6 ~~committee~~, the state transportation board and the county board of
7 supervisors, by a majority vote of each entity, shall submit written
8 recommendations to the transportation policy committee that the findings are
9 agreed to or disagreed with and the recommendations should be implemented, BE
10 implemented with modification or not be implemented.

11 F. Within forty-five days after the audit's release, the regional
12 planning agency shall hold a public hearing on the audit findings and
13 recommendations.

14 G. The auditor general shall distribute copies of the audit to:

15 1. The regional planning agency.

16 2. The transportation policy committee.

17 ~~3. The citizens transportation oversight committee.~~

18 ~~4.~~ 3. The regional public transportation authority in the county.

19 ~~5.~~ 4. The county board of supervisors.

20 ~~6.~~ 5. The state transportation board.

21 ~~7.~~ 6. The governor, secretary of state, president of the senate and
22 speaker of the house of representatives.

23 ~~8.~~ 7. The Arizona state library, archives and public records.

24 ~~9.~~ 8. Any other person who requests a copy pursuant to title 39,
25 CHAPTER 1, article 2.

26 H. The state transportation board, regional planning agency, regional
27 public transportation authority and county board of supervisors shall
28 cooperate with and submit to the auditor general and the auditors contracted
29 to conduct the audit information necessary to conduct the audits under this
30 section.

31 I. The cost incurred by the auditor general in contracting with
32 independent auditors for conducting performance audits under subsection A of

1 this section shall be paid from revenues of the county transportation excise
2 tax under section 42-6105. When due, the payments have priority over any
3 other distribution authorized by section 42-6105. The auditor general shall
4 deposit the payments in the audit services revolving fund established by
5 section 41-1279.06.

6 Sec. 4. Section 28-6353, Arizona Revised Statutes, is amended to read:

7 28-6353. Regional transportation plan and project enhancements
8 and changes

9 A. The regional planning agency in the county shall approve any change
10 in the regional transportation plan and the projects funded in the regional
11 transportation plan that affect the planning agency's transportation
12 improvement program, including project priorities.

13 B. Requests for changes to transportation projects funded in the
14 regional transportation plan that would materially increase costs shall be
15 submitted to the regional planning agency for approval and submitted by the
16 regional planning agency to the board for approval.

17 C. If a local authority requests an enhancement to a transportation
18 project funded pursuant to the regional transportation plan, the local
19 authority shall pay all costs associated with the enhancement.

20 D. The process prescribed in subsection E of this section is required
21 if:

22 1. An audit finding pursuant to section 28-6313 recommends that a
23 project or system in the regional transportation plan is not warranted or
24 requires a modification that is a major amendment as defined in section
25 28-6301.

26 2. The transportation policy committee recommends to the regional
27 planning agency a modification of the regional transportation plan that is a
28 major amendment as defined in section 28-6301.

29 E. A major amendment requires the following:

30 1. Consideration by the transportation policy committee of
31 alternatives in the same modal category that will relieve congestion and

1 improve mobility in the same general corridor addressed by the originally
2 planned project or system.

3 2. If a reasonable option is identified as an alternative for the
4 originally planned project or system, the transportation policy committee
5 shall submit the proposed amendment for review by the regional public
6 transportation authority in the county, the state board of transportation,
7 the county board of supervisors, Indian communities, ~~AND cities and towns in~~
8 ~~the county and the citizens transportation oversight committee.~~ After
9 reviewing the proposed amendment, the board of directors of the regional
10 public transportation authority, the state board of transportation and the
11 county board of supervisors, by a majority vote of the members of each board
12 within thirty days after receiving the proposed amendment, shall submit a
13 written recommendation to the transportation policy committee that the
14 proposed amendment be approved, modified or disapproved. Within thirty days
15 after receiving the amendment, ~~the citizens transportation oversight~~
16 ~~committee and the Indian communities, AND cities and towns may also submit~~
17 written recommendations to the transportation policy committee that the
18 proposed amendment be approved, modified or disapproved.

19 3. If no reasonable option for an alternative to the originally
20 planned project or system is identified, the transportation policy committee
21 shall submit an amendment to delete the original project for review by the
22 regional public transportation authority, the state board of transportation,
23 the county board of supervisors, Indian communities, ~~AND cities and towns in~~
24 ~~the county and the citizens transportation oversight committee.~~ After
25 reviewing the proposed amendment the board of directors of the regional
26 public transportation authority, the state board of transportation and the
27 county board of supervisors, by a majority vote of the members of each board
28 within thirty days after receiving the proposed amendment, shall submit a
29 written recommendation to the transportation policy committee that the
30 proposed amendment be approved, modified or disapproved. Within thirty days
31 after receiving the proposed amendment, ~~the citizens transportation oversight~~
32 ~~committee and Indian communities, AND cities and towns in the county may~~

1 also submit written recommendations to the transportation policy committee
2 that the proposed amendment be approved, modified or disapproved.

3 4. The transportation policy committee must consider any written
4 recommendations submitted by any of the reviewing entities as prescribed by
5 paragraph 2 or 3 of this subsection.

6 5. The transportation policy committee shall recommend approval,
7 disapproval or modification of the proposed amendment to the regional
8 planning agency for consideration.

9 F. The affirmative vote of seventeen members of the transportation
10 policy committee is required to approve and proceed with either of the
11 following:

12 1. Recommendation of a major amendment to the regional planning agency
13 that fails to receive approval of either the regional public transportation
14 authority in the county, the state board of transportation or the county
15 board of supervisors as prescribed in this section.

16 2. A transportation project or system that is found to be unwarranted
17 by an audit as prescribed in this section.

18 Sec. 5. Repeal

19 Sections 28-6356, 28-6357, 28-6358 and 41-151.02, Arizona Revised
20 Statutes, are repealed.

21 Sec. 6. Heading repeal

22 The article heading of title 41, chapter 3, article 1.1, Arizona
23 Revised Statutes, is repealed.

24 Sec. 7. Repeal

25 Sections 41-511, 41-511.01 and 41-511.14, Arizona Revised Statutes, are
26 repealed.

27 Sec. 8. Transfer and renumber

28 Title 41, chapter 3, article 1.1, Arizona Revised Statutes, is
29 transferred and renumbered for placement in title 41, chapter 53, article 1,
30 Arizona Revised Statutes, as added by this act. The following sections are
31 transferred and renumbered for placement in title 41, chapter 53, article 1:

	<u>Former Sections</u>	<u>New Sections</u>
1		
2	41-511.02.....	41-5301
3	41-511.03.....	41-5302
4	41-511.04.....	41-5303
5	41-511.05.....	41-5304
6	41-511.06.....	41-5305
7	41-511.07.....	41-5306
8	41-511.08.....	41-5307
9	41-511.09.....	41-5308
10	41-511.10.....	41-5309
11	41-511.11.....	41-5310
12	41-511.12.....	41-5311
13	41-511.13.....	41-5312
14	41-511.15.....	41-5313
15	41-511.16.....	41-5314
16	41-511.17.....	41-5315
17	41-511.18.....	41-5316
18	41-511.19.....	41-5317
19	41-511.20.....	41-5318
20	41-511.21.....	41-5319
21	41-511.22.....	41-5320
22	41-511.23.....	41-5321
23	Sec. 9. Section 41-1279.03, Arizona Revised Statutes, is amended to	
24	read:	
25	41-1279.03. <u>Powers and duties</u>	
26	A. The auditor general shall:	
27	1. Prepare an audit plan for approval by the committee and report to	
28	the committee the results of each audit and investigation and other reviews	
29	conducted by the auditor general.	
30	2. Conduct or cause to be conducted at least biennial financial and	
31	compliance audits of financial transactions and accounts kept by or for all	
32	state agencies subject to the single audit act of 1984 (P.L. 98-502). The	

1 audits shall be conducted in accordance with generally accepted governmental
2 auditing standards and accordingly shall include tests of the accounting
3 records and other auditing procedures as may be considered necessary in the
4 circumstances. The audits shall include the issuance of suitable reports as
5 required by the single audit act of 1984 (P.L. 98-502) so the legislature,
6 federal government and others will be informed as to the adequacy of
7 financial statements of the state in compliance with generally accepted
8 governmental accounting principles and to determine whether the state has
9 complied with laws and regulations that may have a material effect on the
10 financial statements and on major federal assistance programs.

11 3. Perform procedural reviews for all state agencies at times
12 determined by the auditor general. These reviews may include evaluation of
13 administrative and accounting internal controls and reports on these reviews.

14 4. Perform special research requests, special audits and related
15 assignments as designated by the committee and conduct performance audits,
16 special audits, special research requests and investigations of any state
17 agency, whether created by the constitution or otherwise, as may be requested
18 by the committee.

19 5. Annually on or before the fourth Monday of December, prepare a
20 written report to the governor and to the committee that contains a summary
21 of activities for the previous fiscal year.

22 6. In the tenth year and in each fifth year thereafter in which a
23 transportation excise tax is in effect in a county as provided in section
24 42-6106 or 42-6107, conduct a performance audit that:

25 (a) Reviews past expenditures and future planned expenditures of the
26 transportation excise revenues and determines the impact of the expenditures
27 in solving transportation problems within the county and, for a
28 transportation excise tax in effect in a county as provided in section
29 42-6107, determines whether the expenditures of the transportation excise
30 revenues comply with section 28-6392, subsection B.

31 (b) Reviews projects completed to date and projects to be completed
32 during the remaining years in which a transportation excise tax is in effect.

1 Within six months after each review period the auditor general shall present
2 a report to the speaker of the house of representatives and the president of
3 the senate detailing findings and making recommendations. ~~If the parameters~~
4 ~~of the performance audit are set by the citizens transportation oversight~~
5 ~~committee, the auditor general shall also present the report to the citizens~~
6 ~~transportation oversight committee.~~

7 (c) Reviews, determines, reports and makes recommendations to the
8 speaker of the house of representatives and the president of the senate
9 whether the distribution of highway user revenues complies with title 28,
10 chapter 18, article 2. ~~If the parameters of the performance audit are set by~~
11 ~~the citizens transportation oversight committee, the auditor general shall~~
12 ~~also present the report to the citizens transportation oversight committee.~~

13 7. If requested by the committee, conduct performance audits of
14 counties and incorporated cities and towns receiving highway user revenue
15 fund monies pursuant to title 28, chapter 18, article 2 to determine if the
16 monies are being spent as provided in section 28-6533, subsection B.

17 8. Perform special audits designated pursuant to law if the auditor
18 general determines that there are adequate monies appropriated for the
19 auditor general to complete the audit. If the auditor general determines the
20 appropriated monies are inadequate, the auditor general shall notify the
21 committee.

22 9. Beginning on July 1, 2001, establish a school-wide audit team in
23 the office of the auditor general to conduct performance audits and monitor
24 school districts to determine the percentage of every dollar spent in the
25 classroom by a school district. The performance audits shall determine
26 whether school districts that receive monies from the Arizona structured
27 English immersion fund established by section 15-756.04 and the statewide
28 compensatory instruction fund established by section 15-756.11 are in
29 compliance with title 15, chapter 7, article 3.1. The auditor general shall
30 determine, through random selection, the school districts to be audited each
31 year, subject to review by the joint legislative audit committee. A school
32 district that is subject to an audit pursuant to this paragraph shall notify

1 the auditor general in writing as to whether the school district agrees or
2 disagrees with the findings and recommendations of the audit and whether the
3 school district will implement the findings and recommendations, implement
4 modifications to the findings and recommendations or refuse to implement the
5 findings and recommendations. The school district shall submit to the
6 auditor general a written status report on the implementation of the audit
7 findings and recommendations every six months for two years after an audit
8 conducted pursuant to this paragraph. The auditor general shall review the
9 school district's progress toward implementing the findings and
10 recommendations of the audit every six months after receipt of the district's
11 status report for two years. The auditor general may review a school
12 district's progress beyond this two-year period for recommendations that have
13 not yet been implemented by the school district. The auditor general shall
14 provide a status report of these reviews to the joint legislative audit
15 committee. The school district shall participate in any hearing scheduled
16 during this review period by the joint legislative audit committee or by any
17 other legislative committee designated by the joint legislative audit
18 committee.

19 B. The auditor general may:

20 1. Subject to approval by the committee, adopt rules necessary to
21 administer the duties of the office.

22 2. Hire consultants to conduct the studies required by subsection A,
23 paragraphs 6 and 7 of this section.

24 C. If approved by the committee the auditor general may charge a
25 reasonable fee for the cost of performing audits or providing accounting
26 services for auditing federal funds, special audits or special services
27 requested by political subdivisions of the state. Monies collected pursuant
28 to this subsection shall be deposited in the audit services revolving fund.

29 D. The department of transportation, the board of supervisors of a
30 county that has approved a county transportation excise tax as provided in
31 section 42-6106 or 42-6107 and the governing bodies of counties, cities and
32 towns receiving highway user revenue fund monies shall cooperate with and

1 provide necessary information to the auditor general or the auditor general's
2 consultant.

3 E. The department of transportation shall reimburse the auditor
4 general as follows, and the auditor general shall deposit the reimbursed
5 monies in the audit services revolving fund:

6 1. For the cost of conducting the studies or hiring a consultant to
7 conduct the studies required by subsection A, paragraph 6, subdivisions (a)
8 and (b) of this section, from monies collected pursuant to a county
9 transportation excise tax levied pursuant to section 42-6106 or 42-6107.

10 2. For the cost of conducting the studies or hiring a consultant
11 pursuant to subsection A, paragraph 6, subdivision (c) and paragraph 7 of
12 this section, from the Arizona highway user revenue fund.

13 Sec. 10. Repeal

14 Sections 41-2148 and 41-3023.06, Arizona Revised Statutes, are
15 repealed.

16 Sec. 11. Title 41, Arizona Revised Statutes, is amended by adding
17 chapter 53, to read:

18 CHAPTER 53

19 STATE PARKS

20 ARTICLE 1. GENERAL PROVISIONS

21 Sec. 12. Section 41-5301, Arizona Revised Statutes, as transferred and
22 renumbered, is amended to read:

23 41-5301. State parks director; qualifications; state historic
24 preservation officer

25 A. The governor shall appoint a full-time STATE PARKS director
26 pursuant to section 38-211 who shall:

27 ~~1. Not be a member of the Arizona state parks board.~~

28 ~~2.~~ 1. Serve at the pleasure of the governor.

29 ~~3.~~ 2. Be qualified by successful experience in administration in
30 business or in government.

31 ~~4.~~ 3. Have a knowledge of or training in the multiple use of lands
32 and the conservation of natural resources.

1 B. The governor shall designate a full-time employee ~~of the board~~ with
2 professional competence and expertise in the field of historic preservation
3 as the "state historic preservation officer" to administer the state historic
4 preservation program.

5 Sec. 13. Section 41-5302, Arizona Revised Statutes, as transferred and
6 renumbered, is amended to read:

7 41-5302. Purposes; objectives

8 The purposes and objectives of the ~~board shall be~~ STATE PARKS DIRECTOR
9 ARE to select, acquire, preserve, establish and maintain areas of natural
10 features, scenic beauty, historical and scientific interest, and zoos and
11 botanical gardens, for the education, pleasure, recreation, and health of the
12 people, and for such other purposes as may be prescribed by law.

13 Sec. 14. Section 41-5303, Arizona Revised Statutes, as transferred and
14 renumbered, is amended to read:

15 41-5303. Duties; director; partnership fund; state historic
16 preservation officer; definition

17 A. The ~~board~~ DIRECTOR shall:

18 1. Select areas of scenic beauty, natural features and historical
19 properties now owned by the state, except properties in the care and custody
20 of other agencies by virtue of agreement with the state or as established by
21 law, for management, operation and further development as state parks and
22 historical monuments.

23 2. Manage, develop and operate state parks, monuments or trails
24 established or acquired pursuant to law, or previously granted to the state
25 for park or recreation purposes, except those falling under the jurisdiction
26 of other state agencies as established by law.

27 3. Investigate lands owned by the state to determine in cooperation
28 with the agency that manages the land which tracts should be set aside and
29 dedicated for use as state parks, monuments or trails.

30 4. Investigate federally owned lands to determine their desirability
31 for use as state parks, monuments or trails and negotiate with the federal

1 agency having jurisdiction over such lands for the transfer of title to the
2 ~~Arizona state parks board~~ THIS STATE.

3 5. Investigate privately owned lands to determine their desirability
4 as state parks, monuments or trails and negotiate with private owners for the
5 transfer of title to the ~~Arizona state parks board~~ THIS STATE.

6 6. Enter into agreements with the United States, other states or local
7 governmental units, private societies or persons for the development and
8 protection of state parks, monuments and trails.

9 7. Plan, coordinate and administer a state historic preservation
10 program, including the program established pursuant to the national historic
11 preservation act of 1966, as amended.

12 8. Advise, assist and cooperate with federal and state agencies,
13 political subdivisions of this state and other persons in identifying and
14 preserving properties of historic or prehistoric significance.

15 9. Keep and administer an Arizona register of historic places composed
16 of districts, sites, buildings, structures and objects significant in this
17 state's history, architecture, archaeology, engineering and culture which
18 THAT meet criteria which THAT the ~~board~~ DIRECTOR establishes or which THAT
19 are listed on the national register of historic places. Entry on the
20 register requires nomination by the state historic preservation officer and
21 owner notification in accordance with rules which THAT the ~~board~~ DIRECTOR
22 adopts.

23 10. Accept, on behalf of the state historic preservation officer,
24 applications for classification as historic property received from the county
25 assessor.

26 11. Adopt rules with regard to classification of historic property
27 including:

28 (a) Minimum maintenance standards for the property.

29 (b) Requirements for documentation.

30 12. Monitor the performance of state agencies in the management of
31 historic properties as provided in chapter 4.2 of this title.

2 13. Advise the governor on historic preservation matters.

1 14. Plan and administer a statewide parks and recreation program,
2 including the programs established pursuant to the land and water
3 conservation fund act of 1965 (P.L. 88-578; 78 Stat. 897).

4 15. Prepare, maintain and update a comprehensive plan for the
5 development of the outdoor recreation resources of this state.

6 16. Initiate and carry out studies to determine the recreational needs
7 of this state and the counties, cities and towns.

8 17. Coordinate recreational plans and developments of federal, state,
9 county, city, town and private agencies.

10 18. Receive applications for projects to be funded through the land
11 and water conservation fund and the state lake improvement fund on behalf of
12 the Arizona outdoor recreation coordinating commission.

13 19. Provide staff support to the Arizona outdoor recreation
14 coordinating commission.

15 20. Maintain a statewide off-highway vehicle recreational plan. The
16 plan shall be updated at least once every five years and shall be used by all
17 participating agencies to guide distribution and expenditure of monies under
18 section 28-1176. The plan shall be open to public input and shall include
19 the priority recommendations for allocating available monies in the
20 off-highway vehicle recreation fund established by section 28-1176.

21 21. Collaborate with the state forester in presentations to
22 legislative committees on issues associated with forest management and
23 wildfire prevention and suppression as provided by section 37-622,
24 subsection B.

25 B. Notwithstanding section ~~41-511-21~~ 41-5319, the ~~board~~ DIRECTOR may
26 annually collect and expend monies to plan and administer the land and water
27 conservation fund program, in conjunction with other administrative tasks and
28 recreation plans, as a surcharge to subgrantees in a proportionate amount,
29 not to exceed ten ~~per cent~~ PERCENT, of the cost of each project. The
30 surcharge monies shall be set aside to fund staff support for the land and
31 water conservation fund program.

1 C. A partnership fund is established consisting of monies received
2 pursuant to subsection B of this section, monies received from
3 intergovernmental agreements pursuant to title 11, chapter 7, article 3 and
4 monies received pursuant to section 35-148. The ~~board~~ DIRECTOR shall
5 administer the fund monies as a continuing appropriation for the purposes
6 provided in these sections.

7 D. The state historic preservation officer shall:

8 1. In cooperation with federal and state agencies, political
9 subdivisions of this state and other persons, direct and conduct a
10 comprehensive statewide survey of historic properties and historic private
11 burial sites and historic private cemeteries and maintain inventories of
12 historic properties and historic private burial sites and historic private
13 cemeteries.

14 2. Identify and nominate eligible properties to the national register
15 of historic places and the Arizona register of historic places and otherwise
16 administer applications for listing historic properties on the national and
17 state registers.

18 3. Administer grants-in-aid for historic preservation projects within
19 this state.

20 4. Advise, assist and monitor, as appropriate, federal and state
21 agencies and political subdivisions of this state in carrying out their
22 historic preservation responsibilities and cooperate with federal and state
23 agencies, political subdivisions of this state and other persons to ensure
24 that historic properties and historic private burial sites and historic
25 private cemeteries are taken into consideration at all levels of planning and
26 development.

27 5. Develop and make available information concerning professional
28 methods and techniques for the preservation of historic properties and
29 historic private burial sites and historic private cemeteries.

30 6. Make recommendations on the certification, classification and
31 eligibility of historic properties and historic private burial sites and
2 historic private cemeteries for property tax and investment tax incentives.

1 E. The state historic preservation officer may:

2 1. Collect and receive information for historic private burial sites
3 and historic private cemeteries from public and private sources and maintain
4 a record of the existence and location of such burial sites and cemeteries
5 located on private or public lands in this state.

6 2. Assist and advise the owners of the properties on which the
7 historic private burial sites and historic private cemeteries are located
8 regarding the availability of tax exemptions applicable for such property.

9 3. Make the records available to assist in locating the families of
10 persons buried in the historic private burial sites and historic private
11 cemeteries.

12 F. For the purposes of this section, "historic private burial sites
13 and historic private cemeteries" means places where burials or interments of
14 human remains first occurred more than fifty years ago, that are not
15 available for burials or interments by the public and that are not regulated
16 under title 32, chapter 20, article 6.

17 Sec. 15. Section 41-5304, Arizona Revised Statutes, as transferred and
18 renumbered, is amended to read:

19 41-5304. Powers; compensation

20 The ~~board~~ DIRECTOR may, subject to legislative budgetary control within
21 the limitations of this article:

22 1. Subject to chapter 4, article 4 and, as applicable, article 5 of
23 this title, employ, determine conditions of employment and specify the duties
24 of such administrative, secretarial and clerical workers and technical
25 employees such as naturalists, archaeologists, landscape architects, rangers,
26 park supervisors, caretakers, guides, skilled tradesmen, laborers, historians
27 and engineers, and contract to have the services of such advisors or
28 consultants as are reasonably necessary or desirable to enable ~~it~~ THE
29 DIRECTOR to perform adequately ~~its~~ THE DIRECTOR'S duties. The compensation
30 of the director and of all workers and employees shall be as determined
31 pursuant to section 38-611.

1 2. Make such contracts, leases and agreements and incur such
2 obligations as are reasonably necessary or desirable within the general scope
3 of ~~its~~ THE DIRECTOR'S activities and operations to enable ~~it~~ THE DIRECTOR to
4 perform adequately ~~its~~ THE DIRECTOR'S duties.

5 3. Acquire through purchase, lease, agreement, donation, grant,
6 bequest or otherwise real and personal property and acquire real property
7 through eminent domain for state park or monument purposes. No property may
8 be acquired in the manner provided in this paragraph which will require an
9 expenditure in excess of funds budgeted or received for such purposes. No
10 state park or monument, or additions to a state park or monument, shall be
11 created containing in excess of one hundred sixty acres of land unless
12 created by an act of the legislature. This acreage limitation shall not
13 apply in the case of lands given or donated for state park or monument
14 purposes nor to state owned lands that are selected by the ~~board~~ DIRECTOR and
15 that are not subject to outstanding leases, permits or other rights for the
16 use of the lands including preferential rights to renew such leases and
17 permits.

18 4. Sell, lease, exchange or otherwise dispose of real and personal
19 property. Any disposition of real property shall be submitted for approval
20 of the joint committee on capital review. The disposition of office
21 equipment, furnishings, vehicles and other materials is subject to chapter
22 23, article 8 of this title. The disposition of artifacts and other property
23 of scientific, archaeological, historical or sociological interest is exempt
24 from chapter 23, article 8 of this title, but the ~~board~~ DIRECTOR shall
25 consult with the Arizona historical society in disposing of property of
26 historical interest.

27 5. Construct at state parks and monuments necessary sanitary and other
28 facilities including picnic tables, fireplaces, campsites, service buildings
29 and maintenance shops, and contract with private persons for the construction
30 and operation of cabins, hotels and restaurants, and like establishments.

1 6. Erect suitable signs and markers at parks and monuments and write,
2 prepare and publish written material describing the historical significance
3 of monuments and other places of historical or other significance.

4 7. Solicit and work in cooperation with the department of
5 transportation and the highway departments of various counties and the United
6 States federal highway administration for necessary roads and trails within
7 the state parks and monuments and access roads to state parks and monuments.
8 For the purposes of this paragraph, the ~~board~~ DIRECTOR may designate roads,
9 spurs and other traffic related appurtenances within state park boundaries as
10 public highways. Designation of roads, spurs or other traffic related
11 appurtenances as public highways shall not prohibit the ~~board~~ DIRECTOR from
12 closing such public highways when the park is closed, charging for admission
13 to the park to persons using the public highway within the park or otherwise
14 managing such public highways in the same manner as other lands within the
15 park.

16 8. Levy and collect reasonable fees or other charges for the use of
17 such privileges and conveniences as may be provided under the jurisdiction of
18 the ~~board~~ DIRECTOR. The ~~board~~ DIRECTOR may enter into agreements for the
19 purpose of accepting payment for fees or other charges imposed pursuant to
20 this article by alternative payment methods, including credit cards, charge
21 cards, debit cards and electronic funds transfers. The collecting officer
22 shall deduct any fee charged or withheld by a company providing the
23 alternative payment method under an agreement with the ~~board~~ DIRECTOR before
24 the revenues are transferred to the ~~board~~ DIRECTOR.

25 9. Make reasonable rules for the protection of, and maintain and keep
26 the peace in, state parks and monuments. Such rules adopted by the ~~parks~~
27 ~~board~~ DIRECTOR are subject to review and approval by the legislature. After
28 a ~~board~~ DIRECTOR'S rule has been finally adopted pursuant to chapter 6 of
29 this title, the ~~board~~ DIRECTOR shall immediately forward a certified copy of
30 the rule to the legislature. The legislature may review and, by concurrent
31 resolution, approve, disapprove or modify such rule. However, such rule
32 shall be given full force and effect pending legislative review. If no

1 concurrent resolution is passed by the legislature with respect to the rule
2 within one year following receipt of a certified copy of the rule, the rule
3 shall be deemed to have been approved by the legislature. If the legislature
4 disapproves a rule or a section of a rule, the ~~board~~ DIRECTOR shall
5 immediately discontinue the use of any procedure, action or proceeding
6 authorized or required by the rule or section of the rule. If the
7 legislature modifies a rule or section of a rule, the ~~board~~ DIRECTOR shall
8 immediately suspend the use of any procedure, action or proceeding authorized
9 or required by the rule or section of the rule until the modified rule has
10 been adopted in accordance with chapter 6 of this title, after which all
11 proceedings pursuant to the rule shall be conducted in accordance with the
12 modified version of the rule.

13 10. Furnish advisory services to city and county park or recreation
14 boards and organizations.

15 11. Delegate to ~~the director~~, the deputy director ~~or the director's~~
16 ~~designee~~ any of ~~its~~ THE DIRECTOR'S powers and duties, whether ministerial or
17 discretionary, which are prescribed by law, except that the ~~board~~ DIRECTOR
18 may not delegate ~~its~~ THE DIRECTOR'S power or duty to make rules.

19 12. Reimburse ~~board~~ volunteers for travel and lodging expenses and per
20 diem subsistence allowances incurred while on public business for the ~~board~~
21 PARKS. Reimbursement amounts shall not exceed those allowed under title 38,
22 chapter 4, article 2.

23 13. In consultation with the conservation acquisition board, develop a
24 grant program and adopt guidelines for allocating and obligating monies in
25 the land conservation fund pursuant to section ~~41-511.23~~ 41-5321. The
26 guidelines shall include consideration of both qualification issues relating
27 to applicants for grants and issues relating to the proposed use of the grant
28 money in a manner consistent with existing municipal, county and regional
29 land use plans.

1 Sec. 16. Section 41-5305, Arizona Revised Statutes, as transferred and
2 renumbered, is amended to read:

3 41-5305. Eminent domain

4 A. In acquiring property by eminent domain, no water, watering
5 facilities or water right of any person shall be taken separate and apart
6 from the land served by such water, watering facilities or water rights,
7 without fair and adequate compensation to be awarded for such land and water,
8 watering facilities or water rights.

9 B. In seeking to establish a state park or monument on state or
10 federally owned land, the ~~board~~ DIRECTOR shall not request the termination or
11 cancellation of any valid lease, permit, government land entry, mining claim,
12 privilege or other right unless fair and adequate compensation is awarded to
13 the holder of such lease, permit, privilege or other right. If the amount of
14 the compensation cannot be determined by agreement, the ~~board~~ DIRECTOR may
15 proceed to cause such lease, permit, privilege, government land entry, mining
16 claim or right to be terminated or cancelled if such can be lawfully done by
17 the state or federal agency having jurisdiction thereof, or the ~~board~~
18 DIRECTOR may proceed to acquire the same by eminent domain. In any event the
19 holder of such lease, permit, privilege, government land entry, mining claim
20 or right shall receive fair and adequate compensation for the cost of and
21 damage to his property interest or loss of his lease, privilege, government
22 land entry, mining claim or permit. In determining the amount of such
23 compensation, consideration shall be given to any preferential rights of
24 renewal and other preferential rights of the owner or holder thereof, the
25 damage to the remaining land, damage by access roads, and damage to the
26 rights and operation which such owner may have and all other relevant
27 factors.

28 Sec. 17. Section 41-5306, Arizona Revised Statutes, as transferred and
29 renumbered, is amended to read:

30 41-5306. Parks and monuments on state lands

31 The ~~board~~ DIRECTOR may take over state lands and improvements thereon
32 pursuant to ~~article 9, chapter 2~~, title 37, CHAPTER 2, ARTICLE 9, except that

1 the application to and approval by the governor shall not be required if the
2 legislature has created the park or monument, and in determining the amount
3 of compensation to be received by a lessee or permittee all of the elements
4 of damage set forth in ~~subsection B of section 41-511.06~~ 41-5305,
5 SUBSECTION B shall be considered.

6 Sec. 18. Section 41-5307, Arizona Revised Statutes, as transferred and
7 renumbered, is amended to read:

8 41-5307. Judicial review

9 Except as provided in section 41-1092.08, subsection H, an appeal from
10 a final decision of the ~~board or from a final decision of the~~ director made
11 ~~pursuant to the powers and duties delegated to the director by the board~~ may
12 be taken pursuant to title 12, chapter 7, article 6.

13 Sec. 19. Section 41-5308, Arizona Revised Statutes, as transferred and
14 renumbered, is amended to read:

15 41-5308. Park ranger law enforcement officers; training

16 The ~~board~~ DIRECTOR may appoint one or more of ~~its officers or~~ THE
17 DIRECTOR'S employees as a park ranger law enforcement officer. Any person so
18 appointed shall have the minimum qualifications established for peace
19 officers and police officers pursuant to section 41-1822. When so appointed,
20 the ~~officer or~~ employee shall have the authority and power of a peace officer
21 with the primary duties of enforcement of this article and enforcement of
22 rules adopted pursuant to this article for the protection of the parks and
23 monuments against damage and for the preservation of peace in the parks and
24 monuments.

25 Sec. 20. Section 41-5309, Arizona Revised Statutes, as transferred and
26 renumbered, is amended to read:

27 41-5309. Rejection of gifts

28 The ~~board~~ DIRECTOR may reject any donation, bequest, or gift or
29 property deemed by ~~it~~ THE DIRECTOR to be unsuitable as a state park or
30 monument.

1 Sec. 21. Section 41-5310, Arizona Revised Statutes, as transferred and
2 renumbered, is amended to read:

3 41-5310. Disposition of gifts; state parks donations fund

4 Monies from unconditional gifts, donations, bequests and endowments,
5 which are not specifically designated to the state parks revenue fund, shall
6 be deposited, pursuant to sections 35-146 and 35-147, by the ~~board~~ DIRECTOR
7 in a fund to be known as the state parks donations fund, for use by the ~~board~~
8 DIRECTOR in accomplishing ~~its~~ THE DIRECTOR'S objectives and duties. All
9 expenditures from the state parks donations fund shall be made ~~upon~~ ON claims
10 duly itemized, verified and approved by the ~~Arizona state parks board~~
11 DIRECTOR.

12 Sec. 22. Section 41-5311, Arizona Revised Statutes, as transferred and
13 renumbered, is amended to read:

14 41-5311. Annual report

15 Not later than December 31 each year the ~~board~~ DIRECTOR shall deliver
16 to the governor, the director of the department of administration and the
17 legislature an annual report of the finances, goals and accomplishments of
18 the ~~board~~ DIRECTOR during the preceding fiscal year.

19 Sec. 23. Section 41-5312, Arizona Revised Statutes, as transferred and
20 renumbered, is amended to read:

21 41-5312. Violations; classification

22 A. Any person who knowingly damages, defaces or destroys any public
23 park or monument property ~~which~~ THAT is within ~~the~~ THIS state or any
24 political subdivision thereof is guilty of a class 2 misdemeanor.

25 B. It is unlawful for a person to violate any provision of this
26 article or rule or regulation prescribed under ~~the provisions of~~ this
27 article.

28 C. Unless a different or other penalty or punishment is specifically
29 prescribed, the person who violates any provisions of this article or who
30 violates or fails to comply with a lawful order, rule or regulation of the
31 ~~Arizona state parks board~~ DIRECTOR is guilty of a class 2 misdemeanor.

1 D. A park ranger law enforcement officer may ~~utilize~~ USE the procedure
2 prescribed by section 13-3903 for violations of this article or any order,
3 rule or regulation adopted pursuant to this article.

4 Sec. 24. Section 41-5313, Arizona Revised Statutes, as transferred and
5 renumbered, is amended to read:

6 41-5313. Arizona trail; fund; definition

7 A. The Arizona trail is designated as a state scenic trail to
8 memorialize former United States congressman Bob Stump for his significant
9 contributions to the trails and people of this state.

10 B. The ~~Arizona state parks board~~ DIRECTOR shall:

11 1. Participate in planning, establishing, developing, maintaining and
12 preserving the trail.

13 2. Provide information to any person involved in planning,
14 establishing, developing or maintaining the trail regarding the design,
15 corridors, signs, interpretive markers highlighting special areas and
16 historic uses and any other aspect of the trail to promote uniformity of
17 development, maintenance and preservation.

18 3. Encourage counties, cities and towns to adapt their general and
19 comprehensive plans to preserve the trail right-of-way and to acquire
20 property or legal interests in property to ensure the trail's continued
21 existence in a permanent location.

22 4. In cooperation with federal and state land management agencies,
23 prepare a trail management plan and a plan for interpretive markers for the
24 trail.

25 5. Coordinate the ~~board's~~ DIRECTOR'S trail plan with federal, state
26 and local activities and land uses that may affect the trail and with private
27 nonprofit support organizations to assist in planning, developing, promoting
28 and preserving the trail.

29 6. Accept gifts and grants of private and public monies for the
30 purposes of this section. Monies received pursuant to this paragraph shall
31 be deposited in the Arizona trail fund.

1 C. The trail shall be planned and designed for all nonmotorized
2 recreational uses, including hiking, biking, horseback and pack stock use,
3 cross country skiing, snowshoeing and camping.

4 D. An agency of this state or of a county, city or town may not refuse
5 to permit construction of the trail on property or rights-of-way owned or
6 managed by the agency if the trail does not conflict with existing or
7 proposed uses of the property. Each such agency shall:

8 1. Support the construction of the trail in the agency's long-term
9 plans for its property.

10 2. Support the designation of the trail as a part of the national
11 trail system.

12 3. Accommodate facilities for the safe trail crossing of highway
13 rights-of-way.

14 4. Not infringe on existing land uses, such as cattle grazing or
15 mineral development, that are near to or adjoin the trail. This paragraph
16 does not authorize any person using public lands under a permit or lease to
17 interfere with the use, maintenance or operation of the Arizona trail.

18 E. The Arizona trail fund is established consisting of legislative
19 appropriations and donations to the fund. The ~~Arizona state parks board~~
20 DIRECTOR shall administer the fund. The monies in the fund are continuously
21 appropriated for the sole purpose of maintaining and preserving the Arizona
22 trail.

23 F. For the purposes of this section, "Arizona trail" means a state
24 scenic trail that extends approximately eight hundred miles between the
25 southern border and the northern border of this state.

26 Sec. 25. Section 41-5314, Arizona Revised Statutes, as transferred and
27 renumbered, is amended to read:

28 41-5314. Rock climbing state park; fees, gifts and donations;
29 disposition

30 A. The ~~Arizona state parks board~~ DIRECTOR shall establish a rock
31 climbing state park subject to all of the following conditions:

1 1. The conveyance of approximately two thousand acres of bureau of
2 land management land by the United States secretary of the interior, pursuant
3 to the recreational and public purposes act (43 United States Code sections
4 869 through 869-4), to ~~the Arizona state parks board~~ THIS STATE. The land is
5 located in Gila county and is generally described as: the south 1/2 of
6 section 4, township 4 south, range 15 east; southeast 1/4 of section 5,
7 township 4 south, range 15 east; all of section 8, township 4 south, range 15
8 east, except north 1/2, of the southwest 1/4 and southeast 1/4, southeast
9 1/4; north 1/2, and the north 1/2 of the southwest 1/4 of section 9, township
10 4 south, range 15 east; north 1/2 section 16, township 4 south, range 15
11 east, except southeast 1/4 of the northeast 1/4; the north 1/2 of section 17,
12 township 4 south, range 15 east.

13 2. The conveyance or lease of three parcels of state trust land
14 totaling approximately one hundred sixty acres to ~~the Arizona state parks~~
15 ~~board~~ THIS STATE. The trust lands are located in Gila county and are
16 generally described as: the southeast 1/4 of the southeast 1/4 of section 8,
17 township 4 south, range 15 east; south 1/2 of the southeast 1/4, section 9,
18 township 4 south, range 15 east; southeast 1/4 of the northeast 1/4, section
19 16, township 4 south, range 15 east.

20 3. The establishment of a park access road as specified by the United
21 States Congress and a public access easement on the access road being
22 transferred to ~~the Arizona state parks board~~ THIS STATE.

23 B. Notwithstanding the provisions of section ~~41-511-05~~ 41-5304,
24 paragraph 3, additions to the rock climbing state park, up to five hundred
25 acres, shall not require additional legislative authorization.

26 C. ~~The Arizona state parks board~~ DIRECTOR shall use ~~its~~ THE DIRECTOR'S
27 best efforts to prevent trespass onto private lands adjacent to the
28 boundaries of the rock climbing state park and shall provide access to the
29 owners of any private lands within the exterior boundary of the state park.

30 D. ~~The Arizona state parks board~~ DIRECTOR may charge user fees and
31 concession fees and collect monies from other revenue generating activities.
32 The ~~state parks board~~ DIRECTOR shall deposit, pursuant to sections 35-146 and

1 35-147, all monies collected in the state parks revenue fund established by
2 section ~~41-511.21~~ 41-5319.

3 E. The ~~Arizona state parks board~~ DIRECTOR may accept gifts and
4 donations toward the acquisition, management and operations of the rock
5 climbing state park. The ~~Arizona state parks board~~ DIRECTOR shall deposit,
6 pursuant to sections 35-146 and 35-147, any gifts or donations collected in
7 the state parks donations fund established by section ~~41-511.11~~ 41-5310 and
8 account for these monies separately.

9 F. The ~~Arizona state parks board~~ DIRECTOR shall ensure public access
10 to the rock climbing state park.

11 G. Nothing in the establishment of the rock climbing state park shall
12 be construed to impose any new or additional management requirements,
13 restrictions or regulations under the laws of this state on the permitting,
14 management of or the conduct of activities on any lands outside the state
15 park, or to impose restrictions on these activities in addition to those
16 applicable to the same land within and outside the state park, before its
17 designation as a state park.

18 H. Mining and mining related activities carried out by users of lands
19 outside the rock climbing state park do not create a cause of action for any
20 injuries sustained by a person within the boundaries of the state park.

21 Sec. 26. Section 41-5315, Arizona Revised Statutes, as transferred and
22 renumbered, is amended to read:

23 41-5315. Sustainable state parks and roads fund

24 The sustainable state parks and roads fund is established consisting of
25 monies received pursuant to section 43-622. The ~~Arizona state parks board~~
26 DIRECTOR shall administer the fund. Monies in the fund are continuously
27 appropriated. The ~~Arizona state parks board~~ DIRECTOR shall use the monies in
28 the fund to operate, maintain and make capital improvements to buildings,
29 roads, parking lots, highway entrances and any related structure used to
30 operate state parks.

1 Sec. 27. Section 41-5316, Arizona Revised Statutes, as transferred and
2 renumbered, is amended to read:

3 41-5316. Spur Cross Ranch state park

4 A. ~~The Arizona state parks board~~ DIRECTOR shall establish Spur Cross
5 Ranch state park subject to the following conditions:

6 1. A purchase and sale agreement shall be executed between ~~the Arizona~~
7 ~~state parks board~~ THIS STATE and at least one owner of Spur Cross Ranch as
8 described in subsection D of this section. The purchase and sale agreement
9 shall be for property that is suitable for a state park consistent with the
10 mission of the ~~Arizona state parks board~~ DIRECTOR. The purchase and sale
11 agreement shall be based on an appraisal made by an appraiser who is
12 certified by a nationally recognized appraisal organization. The purchase
13 and sale agreement shall be for a price no greater than the appraised value,
14 but can and may be for a price less than the appraised value.

15 2. An intergovernmental agreement shall be executed between ~~the~~
16 ~~Arizona state parks board~~ THIS STATE and a county with a population of more
17 than one million two hundred thousand persons ~~according to the most recent~~
18 ~~United States decennial census~~. That county shall provide half of the
19 purchase price of the portion of Spur Cross Ranch as determined in the
20 purchase and sale agreement between ~~the Arizona state parks board~~ THIS STATE
21 and at least one owner of Spur Cross Ranch.

22 3. An intergovernmental agreement shall be executed between ~~the~~
23 ~~Arizona state parks board~~ THIS STATE and a county with a population of more
24 than one million two hundred thousand persons ~~according to the most recent~~
25 ~~United States decennial census~~ or with cities or towns or with both and that
26 specifies the obligations of the parties to manage and operate Spur Cross
27 Ranch state park.

28 B. If funding is provided for the acquisition of Spur Cross Ranch
29 other than from sources administered by an agency of this state or a county
30 with a population of more than one million two hundred thousand persons
31 ~~according to the most recent United States decennial census~~, the obligation
2 of this state and that county is reduced proportionately by the amount of

1 other funding sources. The use of federal monies for any portion of the
2 costs of acquisition of the Spur Cross Ranch shall not affect this state's
3 jurisdiction over the acquisition, operation or maintenance of the Spur Cross
4 Ranch as a state park.

5 C. The ~~Arizona state parks board~~ DIRECTOR may accept gifts and
6 donations toward the acquisition, management and operation of Spur Cross
7 Ranch state park. Any gifts and donations collected shall be deposited in
8 the state parks donations fund established by section ~~41-511.11~~ 41-5310 and
9 accounted for separately. The ~~Arizona state parks board~~ DIRECTOR shall
10 ensure public access to the Spur Cross Ranch state park.

11 D. Spur Cross Ranch state park consists of all or part of the
12 following described property:

13 1. Lots 3, 4, 5 and 6; the south half of the northwest quarter; the
14 northwest quarter of the southwest quarter; and the southeast quarter of the
15 northeast quarter, all lying in and being a part of section 4, township 6
16 north, range 4 east of the Gila and salt river base and meridian, Maricopa
17 county, Arizona.

18 2. All of section 5, township 6 north, range 4 east of the Gila and
19 salt river base and meridian, Maricopa county, Arizona; except the southeast
20 quarter of the southeast quarter of section 5.

21 3. All of section 6, township 6 north, range 4 east of the Gila and
22 salt river base and meridian, Maricopa county, Arizona.

23 4. The southwest quarter of the southwest quarter of section 4,
24 township 6 north, range 4 east of the Gila and salt river base and meridian,
25 Maricopa county, Arizona.

26 5. The southeast quarter of the southeast quarter of section 5,
27 township 6 north, range 4 east of the Gila and salt river base and meridian,
28 Maricopa county, Arizona.

29 6. The northeast quarter of the northeast quarter of section 8,
30 township 6 north, range 4 east of the Gila and salt river base and meridian,
31 Maricopa county, Arizona.

1 7. The northwest quarter of the northwest quarter of section 9,
2 township 6 north, range 4 east of the Gila and salt river base and meridian,
3 Maricopa county, Arizona.

4 8. Lots 1 and 2; and the southwest quarter of the northeast quarter,
5 all lying in and being a part of section 4, township 6 north, range 4 east of
6 the Gila and salt river base and meridian, Maricopa county, Arizona.

7 9. The north half of the north half of section 7, township 6 north,
8 range 4 east of the Gila and salt river base and meridian, Maricopa county,
9 Arizona.

10 10. The south half of the southeast quarter of section 7, township 6
11 north, range 4 east of the Gila and salt river base and meridian, Maricopa
12 county, Arizona.

13 11. The south half of the northeast quarter of section 8, township 6
14 north, range 4 east of the Gila and salt river base and meridian, Maricopa
15 county, Arizona.

16 12. The Catherine lode mining claim, designated by the surveyor
17 general as survey number 4096 embracing a portion of section 4, township 6
18 north, range 4 east of the Gila and salt river base and meridian, Maricopa
19 county, Arizona, in the cave creek mining district, as conveyed and more
20 particularly described in patent recorded in book 248 of deeds, page 400.

21 13. The Columbian lode mining claim, designated by the surveyor
22 general as survey number 2685, embracing a portion of the unsurveyed domain
23 in the cave creek mining district, as conveyed and more particularly
24 described in patent recorded in book 99 of deeds, page 10.

25 14. The Mashackety lode mining claim, designated by the surveyor
26 general as survey number 2685, embracing a portion of the unsurveyed domain
27 in the Cave Creek mining district, as conveyed and more particularly
28 described in patent recorded in book 99 of deeds, page 10.

29 15. The Mashackety number 1 lode mining claim, designated by the
30 surveyor general as survey number 2685, embracing a portion of the unsurveyed
31 domain in the Cave Creek mining district, as conveyed and more particularly
32 described in patent recorded in book 99 of deeds, page 10.

1 Sec. 28. Section 41-5317, Arizona Revised Statutes, as transferred and
2 renumbered, is amended to read:

3 41-5317. Catalina state park

4 A. There is established the Catalina state park which may consist of
5 all or a part of the following described property:

6 Sections 13, 24, 25, north one-half of Section 35, Section 36, all in
7 Township 10 South, Range 14 East, of the Gila and Salt River Base and
8 Meridian, Pinal County, Arizona, Section 1, south one-half of Section 2 East
9 of Lago Del Oro Parkway, South one-half of Section 11, west one-half of
10 Section 12, Section 14, all of Section 20 lying east of Highway 89, south
11 one-half of Section 21, south one-half and the northeast one-fourth of
12 Section 22, Section 23, Section 26, Section 27, Section 28, all of Section 29
13 lying east of Highway 89, all of Section 32 lying east of Highway 89, Section
14 33, Section 34, all in Township 11 South, Range 14 East, of the Gila and Salt
15 River Base and Meridian, Pima County, Arizona, Section 3, Section 4, all of
16 Section 5 lying east of Highway 89, all of Section 7 lying east of Highway
17 89, all of Section 8 lying east of Highway 89, Section 18, all in Township 12
18 South, Range 14 East, of the Gila and Salt River Base and Meridian, Pima
19 County, Arizona.

20 B. ~~The Arizona state parks board or its successor~~ THIS STATE may lease
21 or purchase from anyone any of the lands described in subsection A OF THIS
22 SECTION for Catalina state park purposes, subject to the availability of
23 funds appropriated for such purposes by the legislature.

24 C. Notwithstanding the provisions of title 37, chapter 2, article 14,
25 relating to the exchange of public lands, the state land commissioner may
26 obtain any of the land described in subsection A OF THIS SECTION by trade of
27 state land of equal value within Pima or Pinal county.

1 Sec. 29. Section 41-5318, Arizona Revised Statutes, as transferred and
2 renumbered, is amended to read:

3 41-5318. Authorized emergency use of water from Lake Patagonia
4 by city of Nogales

5 A. Notwithstanding any provision of law to the contrary, whenever an
6 emergency exists, as determined by the mayor of the city of Nogales, Arizona,
7 and concurred in by the director of water resources, that there is not
8 sufficient water for use by ~~such~~ THE city and that there is no other water
9 available from any other practical source, ~~then the state parks board shall~~
10 DIRECTOR, ~~upon~~ ON request by ~~such~~ THE mayor, SHALL authorize ~~such~~ THE city to
11 remove from Lake Patagonia such amount of water as needed to supply the city
12 with sufficient water. The city of Nogales shall provide the means for
13 transferring such water.

14 B. The director of water resources shall assess a fee to the city of
15 Nogales for the use of such water based ~~upon~~ ON the value of the water. Such
16 fee shall be paid by the city to the state parks ~~board~~ Lake Patagonia
17 account.

18 Sec. 30. Section 41-5319, Arizona Revised Statutes, as transferred and
19 renumbered, is amended to read:

20 41-5319. State parks revenue fund; purpose; exemption

21 A. The state parks revenue fund is established consisting of:

22 1. Monies received from the sale of park posters, park postcards,
23 books, souvenirs and sundry items pursuant to section ~~41-511.05~~ 41-5304,
24 paragraph 4.

25 2. Monies appropriated by the legislature for the purpose of enhancing
26 state parks.

27 3. Unconditional gifts and donations specifically designated to the
28 revenue fund, except for unconditional gifts, donations, bequests and
29 endowments deposited in the state parks donations fund pursuant to section
30 ~~41-511.11~~ 41-5310.

31 4. All monies derived from state park user fees, concession fees and
32 other revenue generating activities.

1 5. Surcharges on park reservations.

2 6. Sale of park assets.

3 B. The monies in the fund are subject to legislative appropriation:

4 1. For the operation and maintenance of the state park system.

5 2. For use by the ~~board~~ DIRECTOR to acquire and develop real property
6 and improvements as state parks consistent with the purposes and objectives
7 prescribed in section ~~41-511.03~~ 41-5302, subject to review by the joint
8 committee on capital review.

9 C. Monies in the fund shall not be appropriated in a manner that is
10 inconsistent with restrictions in the lease or deed to the property.

11 D. The ~~board~~ DIRECTOR may collect monies as a surcharge on park
12 reservations and shall determine the surcharge rate as provided in section
13 ~~41-511.05~~ 41-5304, paragraph 8 after considering the costs to plan and
14 administer the reservation system.

15 E. On notice from the ~~board~~ DIRECTOR, the state treasurer shall invest
16 and divest the monies in the state parks revenue fund as provided by section
17 35-313, and monies earned from investment shall be credited to the fund.

18 F. Monies in the state parks revenue fund are exempt from section
19 35-190, relating to lapsing of appropriations. The purposes for which monies
20 were expended during the preceding fiscal year shall be delineated in the
21 agency's annual report pursuant to section ~~41-511.12~~ 41-5311.

22 Sec. 31. Section 41-5320, Arizona Revised Statutes, as transferred and
23 renumbered, is amended to read:

24 41-5320. Trail systems plan; deposit of monies; definition

25 A. The ~~board~~ DIRECTOR shall prepare a trail systems plan that:

26 1. Identifies on a statewide basis the general location and extent of
27 significant trail routes, areas and complementary facilities.

28 2. Assesses the physical condition of the systems.

29 3. Assesses usage of trails.

30 4. Describes specific policies, standards and criteria to be followed
31 in adopting, developing, operating and maintaining trails in the systems.

1 5. Recommends to federal, state, regional, local and tribal agencies
2 and to the private sector actions ~~which~~ THAT will enhance the trail systems.

3 B. The plan shall be revised at least once every five years.

4 C. Monies from gifts, grants and other donations received by the ~~board~~
5 DIRECTOR for the trail systems plan shall be deposited in a separate account
6 of the state parks donations fund established by section ~~41-511.11~~ 41-5310
7 and may be allocated by the ~~board~~ DIRECTOR for special trail project
8 priorities established annually by the ~~board~~ DIRECTOR.

9 D. Monies deposited in the state parks donations fund account shall be
10 used for providing state monies up to an amount equal to the amount of cash,
11 materials and labor from any other source for the planning, acquisition,
12 maintenance or operation of the trails and for administrative expenses of not
13 more than twenty ~~per cent~~ PERCENT of total account monies.

14 E. For purposes of this section, "trail systems" means coordinated
15 systems of trails in this state.

16 Sec. 32. Section 41-5321, Arizona Revised Statutes, as transferred and
17 renumbered, is amended to read:

18 41-5321. Conservation acquisition board; land conservation
19 fund; conservation donation and public conservation
20 accounts; livestock and crop conservation fund

21 A. The conservation acquisition board is established, as an advisory
22 body to the ~~Arizona state parks board~~ DIRECTOR, consisting of the following
23 members who are appointed by the governor, at least one of whom shall be
24 experienced in soliciting money from private sources:

25 1. One state land lessee.

26 2. One member who is qualified by experience in managing large
27 holdings of private land for income production or conservation purposes.

28 3. One member of the state bar of Arizona who is experienced in the
29 practice of private real estate law.

30 4. One real estate appraiser who is licensed or certified under title
31 32, chapter 36.

32 5. One member who is qualified by experience in marketing real estate.

1 6. One representative of a conservation organization.

2 7. One representative of a state public educational institution.

3 B. The governor shall designate a presiding member of the board. The
4 term of office is five years except that initial members shall assign
5 themselves by lot to terms of one, two, three, two members for four and two
6 members for five years in office.

7 C. The conservation acquisition board shall:

8 1. Solicit donations to the conservation donation account.

9 2. Consult with entities such as private land trusts, state land
10 lessees, the state land department, the ~~Arizona state parks board~~ STATE PARKS
11 DIRECTOR and others to identify conservation areas that are reclassified
12 pursuant to section 37-312 and that are suitable for funding.

13 3. Recommend to the ~~Arizona state parks board~~ DIRECTOR appropriate
14 grants from the land conservation fund.

15 D. The land conservation fund is established consisting of the
16 following accounts:

17 1. The conservation donation account consisting of monies received as
18 donations. Donations to the account are subject to any lawful conditions the
19 donor may prescribe, including any conditions on the use of the money or
20 reversion to the donor. Monies in the account are exempt from the provisions
21 of section 35-190 relating to lapsing of appropriations.

22 2. The public conservation account consisting of monies appropriated
23 to the account from the state general fund and monies from any other
24 designated source. In fiscal years 2000-2001 through 2010-2011, the sum of
25 twenty million dollars is appropriated each fiscal year from the state
26 general fund to the public conservation account in the land conservation fund
27 for the purposes of this section. Monies in the account are appropriated for
28 the purposes of this section, and the ~~Arizona state parks board~~ DIRECTOR may
29 spend monies in the account without further legislative authorization. Each
30 expenditure of monies from the public conservation account for purposes
31 listed under subsection G, paragraph 2 of this section shall be matched by an

1 equal expenditure of monies from the conservation donation account or from
2 other private or governmental sources.

3 E. If the legislature fails to appropriate monies to the public
4 conservation account in a fiscal year, and if there are no other monies in
5 the public conservation account, the ~~Arizona state parks board~~ DIRECTOR may
6 either grant nothing from the fund in that year or, on recommendation by the
7 conservation acquisition board, may grant available monies in the
8 conservation donation account for purposes authorized in subsection G of this
9 section.

10 F. The monies in the fund are exempt from the provisions of section
11 35-190 relating to lapsing of appropriations.

12 G. Monies in the public conservation account, with matching monies
13 from the conservation donation account, are appropriated as follows:

14 1. A total of two million dollars each fiscal year to the livestock
15 and crop conservation fund. The fund is established for the purposes of this
16 paragraph. Monies in the fund are continuously appropriated to the Arizona
17 department of agriculture for the exclusive purpose of granting monies to
18 individual landowners and grazing and agricultural lessees of state or
19 federal land who contract with the Arizona department of agriculture to
20 implement conservation based management alternatives using livestock or crop
21 production practices, or reduce livestock or crop production, to provide
22 wildlife habitat or other public benefits that preserve open space and for
23 administrative expenses as provided by this paragraph. The department shall
24 administer the fund. On notice from the director of the department, the
25 state treasurer shall invest and divest monies in the fund as provided by
26 section 35-313, and monies earned from investment shall be credited to the
27 fund. Monies in the fund are exempt from the provisions of section 35-190
28 relating to lapsing of appropriations. For the purposes of granting monies
29 from the fund pursuant to this paragraph, the department:

30 (a) Shall develop guidelines and criteria for implementation of this
31 program that shall include requiring as part of the application a letter
32 describing the intended use for the grant money.

1 (b) Shall give priority to lessees of state or federal land who reduce
2 livestock production to provide public benefits such as wildlife species
3 conservation or wildlife habitat.

4 (c) Shall not grant more than fifty ~~per-cent~~ PERCENT of the monies in
5 the fund with respect to land in one county in any fiscal year.

6 (d) Is exempt from chapter 6 of this title with respect to adopting
7 rules, except that the department shall provide for public notice and sixty
8 days for public comment on the annual grant guidelines and criteria,
9 including public hearings.

10 (e) Shall award all grants pursuant to chapter 24, article 1 of this
11 title.

12 (f) Shall require each grantee to submit to the department, within
13 twelve months after receiving the grant, a written report detailing how grant
14 monies were used to achieve the project described in the letter submitted as
15 part of the application. If the project is longer than one year, a written
16 report shall be submitted to the department on an annual basis until the
17 project is complete.

18 (g) May use not more than ten ~~per-cent~~ PERCENT of the monies
19 appropriated to the fund in any fiscal year for the purposes of administering
20 the program.

21 (h) Shall prepare a report of the disposition of monies appropriated
22 to the fund each fiscal year and provide a copy of the report to the
23 governor, to the ~~Arizona state parks board~~ DIRECTOR and to any person who
24 requests a copy.

25 2. The remainder of the monies to the ~~Arizona state parks board~~
26 DIRECTOR for the exclusive purpose of granting monies to the state or any of
27 its political subdivisions, or to a nonprofit organization that is exempt
28 from federal income taxation under section 501(c) of the internal revenue
29 code and that has the purpose of preserving open space, for the following
30 purposes only:

31 (a) To purchase or lease state trust lands that are classified as
32 suitable for conservation purposes pursuant to title 37, chapter 2, article

1 4.2. A grant of money under this subdivision to a nonprofit organization is
2 conditioned on the organization providing reasonable public access to any
3 land that is wholly or partly purchased with that money. The organization
4 shall agree with the ~~Arizona state parks board~~ DIRECTOR that it will impose a
5 restrictive covenant, running with the title to the land, granting such
6 access and providing for reversion to this state of any interest in the
7 property acquired with money granted under this subdivision on the failure to
8 comply with the terms of the covenant. The ~~Arizona state parks board~~
9 DIRECTOR and the state land commissioner have standing to either enforce the
10 covenant or recover the amount of the grant from the current owner, with
11 interest from the date the grant was awarded to the nonprofit organization.

12 (b) To purchase the development rights of state trust lands throughout
13 this state under the following conditions:

14 (i) The development rights shall be sold at public auction as provided
15 in section 37-258.01.

16 (ii) The lessee of the state trust land at the time the development
17 rights are purchased shall be notified of the purchase in writing.

18 (iii) The purchase of the development rights shall not result in
19 cancellation or modification of the current lease.

20 (iv) The purchase of the development rights shall not affect the
21 existing lessee's current economic use of the land and rights pursuant to
22 title 37, chapter 2, article 4.2.

23 (v) As a condition of the sale of the development rights, the
24 purchaser shall agree in perpetuity not to exercise the development rights
25 and that the land shall remain as open space.

26 (vi) The state trust land shall retain any other rights and attributes
27 as prescribed by law at the time of the purchase.

28 H. For the purposes of subsection G, paragraph 2 of this section:

29 1. The ~~Arizona state parks board~~ DIRECTOR shall not grant more than
30 fifty ~~per cent~~ PERCENT of the monies with respect to land in one county in
31 any fiscal year.

1 2. A grant of money is valid for eighteen months and may be extended
2 one time for twelve additional months if a required public auction has not
3 been held.

4 3. The ~~Arizona state parks board~~ DIRECTOR may adopt rules to establish
5 qualifications of nonprofit organizations for purposes of applying for and
6 receiving money granted.

7 4. The owner of property that is wholly or partly acquired with money
8 granted shall not restrict or unreasonably limit access to private lands.
9 Any sale of land with money granted shall include a condition requiring that
10 permanent access to private lands be allowed.

11 I. The ~~Arizona state parks board~~ DIRECTOR shall administer the land
12 conservation fund. On notice from the ~~board~~ DIRECTOR, the state treasurer
13 shall invest and divest monies in either account in the fund as provided by
14 section 35-313, and monies earned from investments shall be credited to a
15 separate administration account to pay the ~~board's~~ DIRECTOR'S expenses of
16 administering the land conservation and acquisition program under subsection
17 G, paragraph 2 of this section, which shall not exceed five ~~per cent~~ PERCENT
18 of the amount deposited in the public conservation account in any fiscal year
19 or five hundred thousand dollars, whichever is less. Investment earnings in
20 excess of five hundred thousand dollars are appropriated to the ~~Arizona state~~
21 ~~parks board~~ DIRECTOR for the purpose of operating state parks.

22 J. Members of the conservation acquisition board may be reimbursed for
23 travel and lodging expenses and per diem subsistence allowances incurred
24 while on public business for the board. Reimbursement amounts shall not
25 exceed those allowed under title 38, chapter 4, article 2.

26 Sec. 33. Section 45-618, Arizona Revised Statutes, is amended to read:

27 45-618. Arizona water quality fund

28 A. An Arizona water quality fund is established for agency
29 participation in activities related to title 49, chapter 2, article 5 and
30 coordination of data bases necessary for those activities. The director
31 shall administer the fund.

1 B. The Arizona water quality fund ~~consist~~ CONSISTS of monies from
2 legislative appropriations, grants, contributions and transfers from other
3 public agencies.

4 C. On notice from the director, the state treasurer shall invest and
5 divest monies in the fund as provided by section 35-313 and monies earned
6 from investment shall be credited to the fund.

7 D. Monies in the fund are exempt from lapsing under section 35-190.

8 E. Before December 31 of each year, the director shall submit to the
9 speaker of the house of representatives, ~~AND the president of the senate and~~
10 ~~the advisory board established by section 49-289.04~~ a written report
11 describing the activities of the department for the preceding fiscal year
12 relating to expenditures from the fund. The report shall include an
13 accounting for expenditures from the fund and how the monies were used to
14 perform duties in cooperation with the department of environmental quality
15 pursuant to title 49, chapter 2, article 5. The report shall address the
16 department of water ~~resources~~ RESOURCES' sharing and management of data with
17 the department of environmental quality, well inspection activities conducted
18 pursuant to this fund, measures to remediate wells pursuant to section
19 45-605, duties performed pursuant to agreements with the department of
20 environmental quality and the status of other departmental participation in
21 water quality assurance revolving fund activities.

22 Sec. 34. Section 49-281, Arizona Revised Statutes, is amended to read:

23 49-281. Definitions

24 In this article, unless the context otherwise requires:

25 1. "Applicant" means any individual, employee, officer, managing body,
26 trust, firm, joint stock company, consortium, public or private corporation,
27 including a government corporation, partnership or association, this state, a
28 political subdivision of this state, or a commission of the United States
29 government or a federal facility, an interstate body or any other entity that
30 applies for a settlement under either section 49-292.01 or 49-292.02.

1 2. "Community" means the broad spectrum of persons determined by the
2 director to be within an existing or proposed site placed on the registry
3 pursuant to section 49-287.01.

4 3. "Community involvement area" means the geographical area that is
5 within a site placed on the registry pursuant to section 49-287.01 and
6 additional geographic areas as found appropriate in the director's
7 discretion.

8 4. "Dispose" means the deposit, injection, dumping, spilling, leaking
9 or placing of any pollutant into or on any land or water so that the
10 pollutant or any constituent of the pollutant may enter the environment or be
11 discharged into any waters, including aquifers.

12 5. "Eligible party" means a person who enters into a written agreement
13 with the director to implement and complete a remedial investigation and
14 feasibility study with respect to a site or portion of a site that was on the
15 annual priority list on May 1, 1997 or any other person who incurs costs for
16 a remedial action that is in substantial compliance with section 49-282.06 as
17 determined by the director.

18 6. "Facility" means any land, building, installation, structure,
19 equipment, device, conveyance, area, source, activity or practice.

20 7. "Fund" means the water quality assurance revolving fund established
21 by section 49-282.

22 8. "Hazardous substance" has the same meaning prescribed in section
23 49-201 but does not include petroleum as defined in section 49-1001, except
24 to the extent that a constituent of petroleum is subject to the provisions of
25 section 49-283.02.

26 9. "Nonrecoverable costs" means any costs incurred by the director
27 after June 30, 1997:

28 (a) That consist of salaries and benefits paid to state employees,
29 including direct and indirect costs, except as specifically provided
30 in section 49-282.05, section 49-285, subsection B, section 49-285.01,
31 section 49-287.01, section 49-287.06, subsection H and section 49-287.07 and
32 for epidemiological studies conducted by the department of health services.

1 (b) For activities conducted pursuant to section 49-287.02.

2 (c) For water monitoring activities conducted pursuant to section
3 49-225.

4 (d) For well inspections, but not other remedial actions, to determine
5 whether vertical cross-contamination is resulting from a well pursuant to
6 section 45-605 or 49-282.04.

7 ~~(e) For the advisory board established by section 49-289.04.~~

8 ~~(f)~~ (e) For rule making RULEMAKING.

9 10. "Orphan shares" means the shares of the cost of a remedial action
10 that are allocated to an identified person who is determined to be a
11 responsible party and that are not paid or otherwise satisfied by that
12 responsible party due to any of the following:

13 (a) The party cannot be located or no longer exists.

14 (b) The party has entered into a qualified business settlement
15 pursuant to this article.

16 (c) The party has entered into a settlement pursuant to this article
17 for an amount that is less than its allocated share.

18 (d) The director has determined that the share allocated to the party
19 is uncollectible.

20 11. "Release" means any spilling, leaking, pumping, pouring, emitting,
21 emptying, discharging, injecting, escaping, leaching, dumping or disposing
22 into the environment but excludes:

23 (a) Any release ~~which~~ THAT results in exposure to persons solely
24 within a workplace, with respect to a claim ~~which~~ THAT such persons may
25 assert against the employer of such persons.

26 (b) Emissions from the engine exhaust of any motor vehicle, rolling
27 stock, aircraft, vessel or pipeline pumping station engine.

28 (c) Release of source, by-product or special nuclear material, as
29 those terms are defined in section 30-651, resulting from the operation of a
30 production or utilization facility as defined in the atomic energy act of
31 1954 (68 Stat. 919; 42 United States Code sections 2011 through 2297), which
32 is subject to the regulatory authority of the United States nuclear

1 regulatory commission as specified in that act, and the agreement, dated
2 March 30, 1967, entered into between the governor of this state and the
3 United States atomic energy commission pursuant to section 30-656 and section
4 274 of the atomic energy act of 1954, as amended.

5 (d) The normal application of fertilizer.

6 12. "Remedial actions" means those actions that are reasonable,
7 necessary, cost-effective and technically feasible in the event of the
8 release or threat of release of hazardous substances into the environment,
9 such actions as may be necessary to investigate, monitor, assess and evaluate
10 such release or threat of release, actions of remediation, removal or
11 disposal of hazardous substances or taking such other actions as may be
12 necessary to prevent, minimize or mitigate damage to the public health or
13 welfare or to the environment ~~which~~ THAT may otherwise result from a release
14 or threat of release of a hazardous substance. Remedial actions include the
15 use of biostimulation with indigenous microbes and bioaugmentation using
16 microbes that are nonpathogenic, that are nonopportunistic and that are
17 naturally occurring. Remedial actions may include community information and
18 participation costs and providing an alternative drinking water supply.

19 13. "Remedy" means a remedial action selected in a record of decision
20 issued pursuant to section 49-287.04.

21 14. "Site" means the geographical areal extent of contamination.

22 15. "Vertical cross-contamination" means the vertical migration of
23 released hazardous substances in groundwater through a well from an aquifer
24 or aquifer layer to another aquifer or aquifer layer.

25 Sec. 35. Section 49-282, Arizona Revised Statutes, is amended to read:
26 49-282. Water quality assurance revolving fund

27 A. A water quality assurance revolving fund is established to be
28 administered by the director. The fund consists of monies from the following
29 sources:

30 1. Monies appropriated by the legislature.

31 2. Fertilizer license fees allocated under section 3-272, subsection
32 B, paragraph 2.

1 3. Pesticide registration fees allocated under section 3-351,
2 subsection D, paragraph 2.

3 4. The tax on water use pursuant to section 42-5302.

4 5. Water quality assurance fees collected under section 45-616.

5 6. Industrial discharge registration fees collected under section
6 49-209.

7 7. Manifest resubmittal fees collected under section 49-922.01.

8 8. Hazardous waste facility registration fees collected under section
9 49-929.

10 9. Hazardous waste resource recovery facility registration fees
11 collected under section 49-930.

12 10. Monies recovered from responsible parties as remedial action
13 costs.

14 11. Monies received as costs for a review of remedial actions at the
15 request of a person other than the state.

16 12. Monies received from the collection of corporate income taxes
17 under title 43, chapter 11, article 2 as prescribed by subsection B of this
18 section.

19 13. Prospective purchaser agreement fees collected under section
20 49-285.01.

21 B. The water quality assurance revolving fund shall be assured of an
22 annual funding amount of eighteen million dollars. ~~Beginning July 1, 1999,~~
23 ~~as soon as practicable~~ At the beginning of each fiscal year, the state
24 treasurer shall transfer the sum of fifteen million dollars to the water
25 quality assurance revolving fund from the corporate income tax as collected
26 pursuant to title 43, chapter 11, article 2. As custodian of the fund, the
27 director shall certify to the governor, the state treasurer, the president of
28 the senate and the speaker of the house of representatives at the end of that
29 fiscal year the amount of monies deposited in the water quality assurance
30 revolving fund pursuant to subsection A, paragraphs 1 through 9 of this
31 section. At the end of the fiscal year the state treasurer shall adjust the
32 fifteen million dollar transfer of corporate income tax so that, when

1 combined with monies deposited in the fund during that fiscal year pursuant
2 to subsection A, paragraphs 1 through 9 of this section, the fund receives
3 eighteen million dollars each fiscal year. This adjustment shall occur as
4 part of the year-end book closing process for that fiscal year. If
5 sufficient monies from the corporate income tax are not available to make any
6 necessary upward adjustments as part of the year-end book closing, the state
7 treasurer shall transfer the monies necessary to achieve the eighteen million
8 dollar funding level from the transaction privilege and severance tax
9 clearing account pursuant to section 42-5029, subsection D, paragraph 4, to
10 the water quality assurance revolving fund. Any transfers prescribed by this
11 subsection shall not be deducted from the net proceeds distributed pursuant
12 to section 43-206.

13 C. At the beginning of each fiscal year, the director of environmental
14 quality shall contract with the department of water resources for the
15 transfer of up to eight hundred thousand dollars from the water quality
16 assurance revolving fund to the Arizona water quality fund established by
17 section 45-618 for support services for the water quality assurance revolving
18 fund program. The support services provided for the water quality assurance
19 revolving fund program shall be determined by the director of water resources
20 in consultation with the director of environmental quality.

21 D. Monies in the fund are exempt from lapsing under section 35-190.
22 Interest earned on monies in the fund shall be credited to the fund.

23 E. Monies from the water quality assurance revolving fund shall be
24 used for the following purposes:

25 1. To provide state matching monies or to meet such other obligations
26 as are prescribed by section 104 of CERCLA.

27 2. For all reasonable and necessary costs to implement this article,
28 including:

29 (a) Taking remedial actions.

30 (b) Conducting investigations of an area to determine if a release or
31 a threatened release of a hazardous substance exists.

1 (c) Conducting remedial investigations, feasibility studies, health
2 effect studies and risk assessments.

3 (d) Identifying and investigating potentially responsible parties and
4 allocating liability among the responsible parties.

5 (e) Funding orphan shares.

6 (f) Participating in the allocation process, administrative appeals
7 and court actions.

8 (g) Funding the community advisory boards and other community
9 involvement activities ~~and the water quality assurance revolving fund~~
10 ~~advisory board.~~

11 (h) Remediating pollutants if necessary to remediate a hazardous
12 substance.

13 3. For the reasonable and necessary costs of monitoring, assessing,
14 identifying, locating and evaluating the degradation, destruction, loss of or
15 threat to the waters of the state resulting from a release of a hazardous
16 substance to the environment.

17 4. For the reasonable and necessary costs of administering the fund.

18 5. For the reasonable and necessary costs of administering the
19 industrial discharge registration program under section 49-209.

20 6. For the costs of the water quality monitoring program described in
21 section 49-225.

22 7. For compliance monitoring, investigation and enforcement activities
23 pertaining to generating, transporting, treating, storing and disposing of
24 hazardous waste. The amount to be used pursuant to chapter 5 of this title
25 is limited to the amount received in the prior fiscal year from the hazardous
26 waste facility registration fee.

27 8. For emergency response use as prescribed in section 49-282.02.

28 9. For all reasonable and necessary costs of the preparation and
29 execution of prospective purchaser agreements.

30 10. For all reasonable and necessary costs of the voluntary
31 remediation program.

1 11. To reimburse a political subdivision of this state for its
2 reasonable, necessary and cost-effective remedial action costs incurred in
3 response to a release or threat of a release of a hazardous substance or
4 pollutants that presents an immediate and substantial endangerment to the
5 public health or the environment. The political subdivision is not eligible
6 for reimbursement until it has taken all reasonable efforts to obtain
7 reimbursement from the responsible party and the federal government. No more
8 than two hundred fifty thousand dollars may be spent from the fund for this
9 purpose in any fiscal year.

10 12. For all reasonable and necessary costs incurred by the department
11 pursuant to section 49-282.04 and the department of water resources pursuant
12 to section 45-605 for well inspections, remedial actions and review and
13 approval of well construction necessary to prevent vertical
14 cross-contamination. The director of environmental quality and the director
15 of water resources shall enter into an agreement for the transfer of these
16 costs.

17 13. For actions that are taken pursuant to section 49-282.03 before
18 the selection of a remedy.

19 14. For the reasonable and necessary costs of the conveyance, use or
20 discharge of water remediated as part of a remedy under this article.

21 15. For the reasonable and necessary costs incurred by the department
22 of health services at the request of the director of environmental quality to
23 assess and evaluate the effect of a release or threatened release of
24 hazardous substances to the public health or welfare and the environment.
25 The director of environmental quality and the director of the department of
26 health services shall enter into an agreement for the transfer of these
27 costs. The assessment and evaluation by the department of health services
28 may include:

- 29 (a) Performing health effect studies and risk assessments.
30 (b) Evaluating and calculating cleanup standards.
31 (c) Assisting in communicating health and risk issues to the public.

1 16. For the reasonable and necessary costs incurred by the department
2 of law to provide legal services at the request of the director of
3 environmental quality.

4 17. For the reasonable and necessary costs of contracting for the
5 goods and services to enable the director to implement this article.

6 18. For remediation demonstration projects that use bioremediation or
7 other alternative technologies. The department may not use more than five
8 hundred thousand dollars in a fiscal year pursuant to this paragraph.

9 F. Any political subdivision of this state which THAT uses, used or
10 may use waters of the state for drinking water purposes or any state agency,
11 regardless of whether the political subdivision or state agency is a
12 responsible party, may apply to the director for monies from the fund to be
13 used for remedial action. An application to the fund for remedial action
14 costs shall not be treated as an admission that a political subdivision or an
15 agency of the state is a responsible party, but a political subdivision or a
16 state agency that is a responsible party is liable for remedial action costs
17 in the same manner, including reimbursement of the fund, as any other
18 responsible party. The political subdivision shall commit a local matching
19 amount at least equal to the amount sought from the fund.

20 G. The director of environmental quality shall prepare and submit a
21 budget for the water quality assurance revolving fund program and the
22 director of water resources shall prepare and submit a budget for the Arizona
23 water quality fund with the departments' budgets that are required pursuant
24 to section 35-111. The committees on appropriations of the house of
25 representatives and the senate shall review the water quality assurance
26 revolving fund budget and the Arizona water quality fund budget to ensure
27 that the departments' expenditures are made in accordance with the
28 legislature's intent and that the departments are making adequate progress
29 toward accomplishing that intent.

30 Sec. 36. Repeal

31 Sections 49-289.04 and 49-289.05, Arizona Revised Statutes, are
32 repealed.

1 Sec. 37. Conforming legislation

2 The legislative council staff shall prepare proposed legislation
3 conforming the Arizona Revised Statutes to the provisions of this act for
4 consideration in the Fifty-third legislature, First regular session."

5 Amend title to conform

BOB THORPE

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02/15/2016
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C: ns

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE


COMMITTEE ON GOVERNMENT AND HIGHER EDUCATION BILL NO. HB 2600

DATE February 18, 2016

MOTION: DPA/SE

	PASS	AYE	NAY	PRESENT	ABSENT
Ms. Alston			✓		
Mr. Larkin	✓			✓	
Mr. Lovas		✓			
Mr. Olson		✓			
Mr. Petersen		✓			
Mr. Saldate			✓		
Ms. Townsend		✓			
Mr. Ackerley, Vice-Chairman		✓			
Mr. Thorpe, Chairman		✓			
		6	2	1	0

APPROVED:



BOB THORPE, Chairman

J. CHRISTOPHER ACKERLEY, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT _____

Attachment 29



HOUSE OF REPRESENTATIVES

HB 2634

agencies; enrollment; educational programs

Prime Sponsor: Representative Farnsworth E, LD 12

X Committee on Government and Higher Education

Caucus and COW

House Engrossed

OVERVIEW

HB 2634 is an emergency measure that prohibits an agency from limiting enrollment in any educational program of an institution of higher education.

PROVISIONS

1. Prohibits an agency from limiting enrollment in any educational program of an institution of higher education.
2. Defines agency as any board, commission, department, officer or other administrative unit whether created under the Arizona Constitution or by enactment of the Legislature but does not include the Arizona Board of Regents or any Community College District Board.
3. Contain an emergency clause.

CURRENT LAW

Not currently addressed in statute.

Attachment 30

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON GOVERNMENT AND HIGHER EDUCATION BILL NO. HB 2634

DATE February 18, 2016 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Ms. Alston		✓			
Mr. Larkin		✓			
Mr. Lovas		✓			
Mr. Olson		✓			
Mr. Petersen		✓			
Mr. Saldate		✓			
Ms. Townsend		✓			
Mr. Ackerley, Vice-Chairman		✓			
Mr. Thorpe, Chairman		✓			
		9	0	0	0

APPROVED:

Bob Thorpe
BOB THORPE, Chairman
J. CHRISTOPHER ACKERLEY, Vice-Chairman

May Reilly
COMMITTEE SECRETARY

ATTACHMENT _____



HOUSE OF REPRESENTATIVES

HB 2565

sanitary districts; rejection of bids

Prime Sponsor: Representative Gowan, LD 14

X Committee on Government and Higher Education

Caucus and COW

House Engrossed

OVERVIEW

HB 2565 increases the number of days a sanitary district board of directors (board) has to deny proposed contracts.

PROVISIONS

1. Extends the timeframe the board has to order a proposed contract not be entered into from 10 to 30 days after the time fixed for opening bids.

CURRENT LAW

The board is required to publish the notice of the passage of the resolution ordering the improvement and inviting sealed bids from persons interested in constructing the improvement twice in one or more daily newspapers or once in a weekly or semiweekly newspaper of general circulation in the county (A.R.S. § 48-2049). The board is required, in open session, to examine and publicly declare the bids. The board may reject any bids if deemed for the public good and must reject all bids other than the lowest and best bid of a responsible bidder. Notice of the contract awarded must be published twice in one or more daily newspapers or once in a weekly or semiweekly newspaper of general circulation in the county. Within 20 days after the date of the first publication, if no objections have been filed, the successful bidder must enter into a contract to make the improvement according to the bid (A.R.S. § 48-2052).

The board may, within 10 days after the time fixed for opening bids and by resolution adopted by a vote of two-thirds of its members, order that the proposed contract not be entered into and that the sanitary district perform the work themselves. The district is prohibited from assessing an amount in excess of the amount proposed by the lowest responsible bidder or in excess of the estimate if no bids have been received (A.R.S. § 48-2053).

Attachment 32

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON GOVERNMENT AND HIGHER EDUCATION BILL NO. HB 2565

DATE February 18, 2016 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Ms. Alston		✓			
Mr. Larkin		✓			
Mr. Lovas					✓
Mr. Olson		✓			
Mr. Petersen	✓	✓			
Mr. Saldate		✓			
Ms. Townsend		✓			
Mr. Ackerley, Vice-Chairman		✓			
Mr. Thorpe, Chairman		✓			
		8	0	0	1

APPROVED:


BOB THORPE, Chairman
J. CHRISTOPHER ACKERLEY, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT _____



HOUSE OF REPRESENTATIVES

HB 2217

water protection; technical correction
Prime Sponsor: Representative Kern, LD 20

X Committee on Government and Higher Education

Caucus and COW

House Engrossed

STRIKE-EVERYTHING SUMMARY

The proposed strike-everything amendment to HB 2217 outlines procedures involving the use of an investigator in legal decision-making and parenting time.

PROVISIONS

1. Requires the court to:
 - a. give primary preference in selecting an investigator to people, companies or organizations whose services are covered by the parties' insurance; and
 - b. make findings of fact as to the ability of the parties to pay the fees of the investigation.
2. Prohibits the court from:
 - a. requiring a party to pay more than 70% of the investigator's fees without first finding clear and convincing evidence that the party acted in bad faith;
 - b. granting powers to the instigator beyond those prescribed by statute;
 - c. issuing orders that abridges any party's access to the court; and
 - d. entering an order that abridges any party's due process rights.
3. Permits the court to authorize the appointed investigator to bill up to four hours, except by stipulation of the parties in writing and additional hours in increments of up to four hours or the number of hours stipulated by the parties in writing.
4. Requires the court, before authorizing additional hours, to hold a hearing and make findings of fact on the following:
 - a. the tangible results of the investigator to date;
 - b. the specific needs of the court that require additional time; and
 - c. the ability of each party to pay the appointment of additional billable hours.
5. Requires the court to state all relevant legal sources of authority in making a finding or issuing a ruling.
6. Stipulates that an investigator must:
 - a. record all meetings, interviews or other activities; and
 - b. provide the parties, or their respective counsel, a copy of any recording within two business days.
7. States that any reports made by an investigator must include evidence to support any statements of fact, opinions, conclusions or recommendations and prohibits the court from giving weight to any statement not supported by evidence.

Attachment 34

HB 2217

8. Declares that the investigator's activities, except for clinical and reporting functions, are not protected by immunity.
9. Allows the parties to record any meeting, interview or other activities involving the party and the investigator and declares this right may not be revoked or stipulated away.
10. Requires the court to forward a written complaint by any party to a martial and domestic action alleging a criminal code violation to the appropriate law enforcement agency for investigation.

CURRENT LAW

In contested legal decision-making, parenting time proceedings and in other custody proceedings if a parent or the child's custodian so requests, the court may order an investigation and report concerning legal decision-making or parenting time arrangements for the child. The investigation and report may be made by the court social service agency, the staff of the juvenile court, the local probation or welfare department or a private person. The report must include a written affirmation that the person completing the report has met the prescribed training requirements. If an investigation and report are ordered or if the court appoints a family court advisor the court must allocate the cost based in the financial circumstances of both parties. The investigator may consult any person who may have information about the child or the child's potential legal decision-making and parenting time arrangements in preparing the report. The court is required to mail the investigator's report to counsel at least 10 days before the hearing and make available the names and addresses of all persons whom the investigated consulted. Any party to the proceeding is permitted to call for examination of the investigator and any person consulted by the investigator (A.R.S. § 25-406).

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2217

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 25-406, Arizona Revised Statutes, is amended to
3 read:

4 25-406. Investigations and reports

5 A. In contested legal decision-making and parenting time proceedings,
6 and in other custody proceedings if a parent or the child's custodian so
7 requests, the court may order an investigation and report concerning legal
8 decision-making or parenting time arrangements for the child. The
9 investigation and report may be made by the court social service agency, the
10 staff of the juvenile court, the local probation or welfare department or a
11 private person. The report must include a written affirmation by the person
12 completing the report that the person has met the training requirements
13 prescribed in subsection ~~C~~ E of this section.

14 B. If an investigation and report are ordered pursuant to this section
15 or if the court appoints a family court advisor, the court shall DO BOTH OF
16 THE FOLLOWING:

17 1. IN SELECTING AN INVESTIGATOR, GIVE PRIMARY PREFERENCE TO PEOPLE,
18 COMPANIES OR ORGANIZATIONS WHOSE SERVICES ARE COVERED BY THE PARTIES'
19 INSURANCE.

20 2. MAKE FINDINGS OF FACT AS TO THE ABILITY OF THE PARTIES TO PAY THE
21 FEES OF THE INVESTIGATOR AND allocate cost based on the financial
22 circumstances of both parties.

Attachment 35

Adopted <input checked="" type="checkbox"/>	# of Verbals _____
Failed _____	Withdrawn _____
Not Offered _____	Analysts Initials _____

1 C. NOTWITHSTANDING SUBSECTION B OF THIS SECTION, THE COURT MAY NOT
2 REQUIRE A PARTY TO PAY MORE THAN SEVENTY PERCENT OF THE INVESTIGATOR'S FEES
3 WITHOUT FIRST FINDING CLEAR AND CONVINCING EVIDENCE THAT THE PARTY ACTED IN
4 BAD FAITH IN REGARD TO PROCEEDINGS WITHIN THIS CHAPTER.

5 D. THE COURT MAY AUTHORIZE THE APPOINTED INVESTIGATOR TO BILL UP TO
6 FOUR HOURS, EXCEPT BY STIPULATION OF THE PARTIES IN WRITING. THE COURT MAY
7 AUTHORIZE ADDITIONAL HOURS IN INCREMENTS OF UP TO FOUR HOURS OR BY THE NUMBER
8 OF HOURS STIPULATED TO BY THE PARTIES IN WRITING. UNLESS THE PARTIES
9 STIPULATE OTHERWISE, BEFORE AUTHORIZING ADDITIONAL HOURS BY THE INVESTIGATOR,
10 THE COURT SHALL HOLD A HEARING AND MAKE FINDINGS OF FACT ON THE FOLLOWING:

- 11 1. THE TANGIBLE RESULTS OF THE INVESTIGATOR'S EFFORTS TO DATE.
- 12 2. THE SPECIFIC NEEDS OF THE COURT THAT REQUIRE ADDITIONAL TIME.
- 13 3. THE ABILITY OF EACH PARTY TO PAY THE APPORTIONMENT OF ADDITIONAL
14 BILLABLE HOURS.

15 ~~E.~~ E. The court shall require a court appointed attorney for a child,
16 a court appointed advisor or any person who conducts an investigation or
17 prepares a report pursuant to this section to receive training that meets the
18 following minimum standards:

- 19 1. Six initial hours of training on domestic violence.
- 20 2. Six initial hours of child abuse training.
- 21 3. Four subsequent hours of training every two years on domestic
22 violence and child abuse.

23 ~~F.~~ F. A person who has completed professional training to become
24 licensed or certified may use that training to completely or partially
25 fulfill the requirements in subsection ~~E~~ of this section if the training
26 included at least six hours each on domestic violence and child abuse and
27 meets the minimum standards. Subsequent professional training in these
28 subject matters may be used to partially or completely fulfill the training
29 requirements prescribed in subsection ~~E~~ of this section if the training
30 meets the minimum standards.

1 ~~E.~~ G. A physician who is licensed pursuant to title 32, chapter 13 or
2 17 is exempt from the training requirements prescribed in subsection ~~E~~ of
3 this section.

4 H. THE COURT MAY NOT GRANT ANY POWERS TO THE INVESTIGATOR BEYOND THOSE
5 PRESCRIBED BY STATUTE. IN MAKING A FINDING OR ISSUING A RULING UNDER THIS
6 SECTION, THE COURT SHALL STATE ALL RELEVANT LEGAL SOURCES OF AUTHORITY.

7 ~~F.~~ I. In preparing a report concerning a child, the investigator may
8 consult any person who may have information about the child or the child's
9 potential legal decision-making and parenting time arrangements.

10 J. AN INVESTIGATOR SHALL RECORD ALL MEETINGS, INTERVIEWS OR OTHER
11 ACTIVITIES RELATED TO THE DUTIES UNDER THIS SECTION. THE INVESTIGATOR SHALL
12 PROVIDE THE PARTIES, OR THEIR RESPECTIVE COUNSEL IF REPRESENTED, A COPY OF
13 ANY RECORDING WITHIN TWO BUSINESS DAYS AFTER THE RECORDED MEETING, INTERVIEW
14 OR OTHER ACTIVITY.

15 K. THE PARTIES IN AN ACTION UNDER THIS TITLE MAY RECORD ANY MEETING,
16 INTERVIEW OR OTHER ACTIVITY THAT INVOLVES THE PARTY AND THE INVESTIGATOR
17 UNDER THIS SECTION. THIS RIGHT MAY NOT BE REVOKED OR STIPULATED AWAY.

18 L. REPORTS MADE BY AN INVESTIGATOR UNDER THIS SECTION SHALL INCLUDE
19 EVIDENCE TO SUPPORT ANY STATEMENTS OF FACT, OPINIONS, CONCLUSIONS OR
20 RECOMMENDATIONS. THE COURT SHALL GIVE NO WEIGHT TO ANY STATEMENTS OF FACT,
21 OPINIONS, CONCLUSIONS OR RECOMMENDATIONS THAT ARE NOT SUPPORTED BY EVIDENCE.

22 ~~G.~~ M. The court shall mail the investigator's report to counsel at
23 least ten days before the hearing. The investigator shall make available to
24 counsel the names and addresses of all persons whom the investigator has
25 consulted. Any party to the proceeding may call for examination of the
26 investigator and any person consulted by the investigator.

27 N. EXCEPT FOR CLINICAL AND REPORTING FUNCTIONS, THE INVESTIGATOR'S
28 ACTIVITIES, INCLUDING ANY ACTIVITIES NOT AUTHORIZED BY THE COURT, ARE NOT
29 PROTECTED BY IMMUNITY.

30 O. THE COURT MAY NOT ISSUE ORDERS THAT IN WHOLE OR IN PART ABRIDGE ANY
31 PARTY'S ACCESS TO THE COURT.

1 P. THE COURT MAY NOT ENTER AN ORDER THAT IN WHOLE OR IN PART ABRIDGES
2 ANY PARTY'S DUE PROCESS RIGHTS, INCLUDING THE RIGHT TO DISCLOSURE.

3 Q. THE COURT SHALL FORWARD A WRITTEN COMPLAINT BY ANY PARTY TO AN
4 ACTION UNDER THIS TITLE ALLEGING A VIOLATION OF TITLE 13 TO THE APPROPRIATE
5 LAW ENFORCEMENT AGENCY FOR INVESTIGATION."

6 Amend title to conform

BOB THORPE

2217bt
02/15/2016
09:21 AM
C: kcb

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

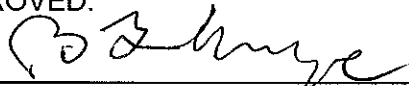
ROLL CALL VOTE

COMMITTEE ON GOVERNMENT AND HIGHER EDUCATION BILL NO. HB 2217

DATE February 18, 2016 MOTION: DPA/SE

	PASS	AYE	NAY	PRESENT	ABSENT
Ms. Alston			✓		
Mr. Larkin	✓			✓	
Mr. Lovas		✓			
Mr. Olson		✓			
Mr. Petersen		✓			
Mr. Saldate			✓		
Ms. Townsend		✓			
Mr. Ackerley, Vice-Chairman		✓			
Mr. Thorpe, Chairman		✓			
		6	2	1	0

APPROVED:


BOB THORPE, Chairman
J. CHRISTOPHER ACKERLEY, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT _____

Attachment 36

HB 2217

There is a "shocking" lack of accountability for PCs. "Judicial Immunity" for people empowered to "order you" to hand over all your money? If they fix your problems, they get no more money. How could corruption not develop under such circumstances?

Martin Lynch
Tempe AZ
602-550-6304

Patricia Cummins
Tucson AZ
520-730-5650

Attachment 37

2217



HOUSE OF REPRESENTATIVES

HB 2583

open meetings; audiovisual recordings

Prime Sponsor: Representative Stevens, LD 14

X Committee on Government and Higher Education

Caucus and COW

House Engrossed

OVERVIEW

HB 2583 requires all public bodies to provide a complete audiovisual recording of all meetings.

PROVISIONS

1. Requires all public bodies to provide a complete audiovisual recording for all meetings including executive sessions, in addition to taking written minutes.
2. Requires all public bodies to post the audiovisual recording on its website within 24 hours after the meeting, regardless of population threshold.
3. Permits the court, in any action challenging the validity of an executive session, to:
 - a. review in camera the audiovisual recording; and
 - b. disclose to the parties or admit in evidence part or all of the audiovisual recording.
4. Makes technical and conforming changes.

CURRENT LAW

All public bodies are required to provide written minutes or a recording of all meetings, including executive sessions. For all meetings, excluding executive sessions, the minutes or recording must include: 1) the date, time and place of the meeting; 2) the attendance of members of the public body; 3) a general description of the matters considered; 4) an accurate description of all legal matters proposed, discussed or taken and the names of the members proposing each motion; and 5) the name of any person making statements and presenting materials to the public body. The minutes or a recording must be available for public inspection three working days after the meeting, unless otherwise specified (A.R.S. § 38-431.01).

In any action challenging the validity of an executive session, the court may review in camera the minutes of the executive session, and if the court determines in its discretion that the minutes are relevant, the court may disclose to the parties or admit in evidence part or all of the minutes (A.R.S. § 38-431.07).

Attachment 38

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2583

(Reference to printed bill)

1 Page 1, line 4, after "public" insert " ; exception"

2 Page 2, line 23, strike "subsection" insert "SUBSECTIONS D AND"

3 Between lines 24 and 25, insert:

4 "K. THE REQUIREMENT THAT A PUBLIC BODY TAKE A COMPLETE AUDIOVISUAL
5 RECORDING OF ALL MEETINGS PURSUANT TO THIS SECTION DOES NOT APPLY TO A
6 SPECIAL TAXING DISTRICT ESTABLISHED PURSUANT TO TITLE 48, CHAPTER 2, 3, 9,
7 11, 12, 17, 18, 19, 20, 22 OR 32.

8 Sec. 2. Section 38-431.03, Arizona Revised Statutes, is amended to
9 read:

10 38-431.03. Executive sessions

11 A. ~~Upon~~ ON a public majority vote of the members constituting a
12 quorum, a public body may hold an executive session but only for the
13 following purposes:

14 1. Discussion or consideration of employment, assignment, appointment,
15 promotion, demotion, dismissal, salaries, disciplining or resignation of a
16 public officer, appointee or employee of any public body, except that, with
17 the exception of salary discussions, an officer, appointee or employee may
18 demand that the discussion or consideration occur at a public meeting. The
19 public body shall provide the officer, appointee or employee with written
20 notice of the executive session as is appropriate but not less than
21 twenty-four hours for the officer, appointee or employee to determine whether
22 the discussion or consideration should occur at a public meeting.

Attachment 39

Adopted ✓ # of Verbals _____
Failed _____ Withdrawn _____
Not Offered _____ Analysts Initials _____

1 2. Discussion or consideration of records exempt by law from public
2 inspection, including the receipt and discussion of information or testimony
3 that is specifically required to be maintained as confidential by state or
4 federal law.

5 3. Discussion or consultation for legal advice with the attorney or
6 attorneys of the public body.

7 4. Discussion or consultation with the attorneys of the public body in
8 order to consider its position and instruct its attorneys regarding the
9 public body's position regarding contracts that are the subject of
10 negotiations, in pending or contemplated litigation or in settlement
11 discussions conducted in order to avoid or resolve litigation.

12 5. Discussions or consultations with designated representatives of the
13 public body in order to consider its position and instruct its
14 representatives regarding negotiations with employee organizations regarding
15 the salaries, salary schedules or compensation paid in the form of fringe
16 benefits of employees of the public body.

17 6. Discussion, consultation or consideration for international and
18 interstate negotiations or for negotiations by a city or town, or its
19 designated representatives, with members of a tribal council, or its
20 designated representatives, of an Indian reservation located within or
21 adjacent to the city or town.

22 7. Discussions or consultations with designated representatives of the
23 public body in order to consider its position and instruct its
24 representatives regarding negotiations for the purchase, sale or lease of
25 real property.

26 B. Minutes AND AUDIOVISUAL RECORDINGS of and discussions made at
27 executive sessions shall be kept confidential except from:

28 1. Members of the public body ~~which~~ THAT met in executive session.

29 2. Officers, appointees or employees who were the subject of
30 discussion or consideration pursuant to subsection A, paragraph 1 of this
31 section.

1 3. The auditor general on a request made in connection with an audit
2 authorized as provided by law.

3 4. A county attorney or the attorney general when investigating
4 alleged violations of this article.

5 C. The public body shall instruct persons who are present at the
6 executive session regarding the confidentiality requirements of this article.

7 D. Legal action involving a final vote or decision shall not be taken
8 at an executive session, except that the public body may instruct its
9 attorneys or representatives as provided in subsection A, paragraphs 4, 5 and
10 7 of this section. A public vote shall be taken before any legal action
11 binds the public body.

12 E. Except as provided in section 38-431.02, subsections I and J, a
13 public body shall not discuss any matter in an executive session ~~which~~ THAT
14 is not described in the notice of the executive session.

15 F. Disclosure of executive session information pursuant to this
16 section or section 38-431.06 does not constitute a waiver of any privilege,
17 including the attorney-client privilege. Any person receiving executive
18 session information pursuant to this section or section 38-431.06 shall not
19 disclose that information except to the attorney general or county attorney,
20 by agreement with the public body or to a court in camera for purposes of
21 enforcing this article. Any court that reviews executive session information
22 shall take appropriate action to protect privileged information."

23 Renumber to conform

24 Amend title to conform

BOB THORPE

2583THORPE
02/17/2016
12:25 PM
C: ns

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON GOVERNMENT AND HIGHER EDUCATION BILL NO. HB 2583

DATE February 18, 2016 MOTION: DPA

	PASS	AYE	NAY	PRESENT	ABSENT
Ms. Alston			✓		
Mr. Larkin			✓		
Mr. Lovas					✓
Mr. Olson		✓			
Mr. Petersen		✓			
Mr. Saldate			✓		
Ms. Townsend		✓			
Mr. Ackerley, Vice-Chairman		✓			
Mr. Thorpe, Chairman		✓			
		5	3	0	1

APPROVED:

Bob Thorpe
BOB THORPE, Chairman
J. CHRISTOPHER ACKERLEY, Vice-Chairman

Mary Rully
COMMITTEE SECRETARY

ATTACHMENT _____



HOUSE OF REPRESENTATIVES

HB 2610

Indian nations; tribes; legislative day

Prime Sponsor: Representative Mesnard, LD 17

X Committee on Government and Higher Education

Caucus and COW

House Engrossed

OVERVIEW

HB 2610 modifies the date of the annual Indian Nations and Tribes Legislative Day.

PROVISIONS

1. Specifies the Wednesday of the first week of each Regular Legislative Session as Indian Nations and Tribes Legislative Day.

CURRENT LAW

The Arizona Commission of Indian Affairs (Commission) in cooperation with representatives from Arizona's Indian Nations must annually facilitate an Indian Nations and Tribes Legislative Day on the Tuesday of the second week of each Regular Legislative Session. The Commission is required to: 1) invite the Legislature, Governor and other elected officials to pay tribute to the history and culture of the American Indian peoples and their contributions to the prosperity and cultural diversity of the U.S.; and 2) schedule activities and discussions between state and Indian Nations and tribal leaders on issues in which there is a common interest or jurisdiction. Indian Nations and Tribes Legislative Day is not a legal holiday (A.R.S. § 41-544).

Attachment 41

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON GOVERNMENT AND HIGHER EDUCATION BILL NO. HB 2610

DATE February 18, 2016 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Ms. Alston		✓			
Mr. Larkin		✓			
Mr. Lovas					✓
Mr. Olson		✓			
Mr. Petersen		✓			
Mr. Saldate		✓			
Ms. Townsend		✓			
Mr. Ackerley, Vice-Chairman		✓			
Mr. Thorpe, Chairman		✓			
		8	0	0	1

APPROVED:

Bob Thorpe
BOB THORPE, Chairman
J. CHRISTOPHER ACKERLEY, Vice-Chairman

May Reilly
COMMITTEE SECRETARY

ATTACHMENT _____



HOUSE OF REPRESENTATIVES

HB 2643

PSPRS; CORP; EORP; administration changes

Prime Sponsor: Representative Olson, LD 25

X Committee on Government and Higher Education

Caucus and COW

House Engrossed

OVERVIEW

HB 2643 makes the Public Safety Personnel Retirement System (PSPRS) and the Corrections Officer Retirement Plan (CORP) alternate contribution rate (ACR) employer specific rather than an aggregate of the total required contribution.

PROVISIONS

1. Specifies that the ACR paid by a PSPRS or CORP employer on behalf of a retired member who returns to work is equal to the portion of the *individual employer's* total required contribution applied to the amortization of the unfunded actuarial accrued liability for the Fiscal Year (FY).
2. Stipulates that a member who retires having met all the qualifications for retirement and who subsequently becomes an elected official is not considered reemployed by the same employer.
3. Makes technical and conforming changes.

CURRENT LAW

The ACR paid by a PSPRS or CORP employer on behalf of a retired member who returns to work is equal to the portion of the total required contribution applied to the amortization of the unfunded actuarial accrued liability for the FY beginning July 1, based on the actuarial calculation of the total required contribution for the preceding FY ending June 30. The ACR must be applied to the compensation, gross salary or contract fee of a retired member. For PSPRS, the ACR is prohibited from being less than 8% in any FY and for CORP, the ACR is prohibited from being less than 6% in any FY (A.R.S. §§ 38-843.05 and 38-891.01).

PSPRS and CORP are "agent multiple-employer" plans where employers pool assets for investment purposes but retain their own individual obligations (liabilities). Actual funded status and employer rates vary across the plan.

Attachment 43

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2643

(Reference to printed bill)

1 Page 9, between lines 8 and 9, insert:

2 "Sec. 4. Section 38-884, Arizona Revised Statutes, is amended to read:

3 38-884. Membership of retirement plan; termination; credited
4 service; redemption; reemployment; definition

5 A. Each employee of a participating employer is a member of the plan
6 unless the employee is receiving a pension from the plan. A person employed
7 shall undergo a medical examination performed by a designated physician or a
8 physician working in a clinic that is appointed by the local board or, in the
9 case of a state correctional officer who is employed by the state department
10 of corrections, complete a physical examination pursuant to section 41-1822,
11 subsection B. For the purposes of subsection B of this section, the
12 designated physician or a physician working in a clinic that is appointed by
13 the local board may be the employer's regular employee or contractor.

14 B. The purpose of the medical examination authorized by this section
15 is to identify a member's physical or mental condition or injury that existed
16 or occurred before the member's date of membership in the plan. Any employee
17 who fails or refuses to submit to the medical examination prescribed in this
18 section is deemed to waive all rights to disability benefits under this
19 article. Medical examinations conducted under this article shall be
20 conducted by a physician and shall not be conducted or used for purposes of
21 hiring, advancement, discharge, job training or other terms, conditions and
22 privileges of employment unrelated to receipt or qualification for pension
23 benefits or service credits from the fund. This subsection does not affect
24 or impair the right of an employer to prescribe medical or physical standards
25 for employees or prospective employees.

26 C. If a member who becomes a member of the plan before January 1, 2012
7 ceases to be an employee for any reason other than death or retirement,

Attachment 44

Adopted ✓ # of Verbals _____
Failed _____ Withdrawn _____
Not Offered _____ Analysts Initials _____

1 within twenty days after filing a completed application with the board, the
2 member is entitled to receive the following amounts, less any benefit
3 payments the member has received and any amount the member may owe to the
4 plan:

5 1. If the member has less than five years of credited service with the
6 plan, the member may withdraw the member's accumulated contributions from the
7 plan.

8 2. If the member has five or more years of credited service with the
9 plan, the member may withdraw the member's accumulated contributions plus an
10 amount equal to the amount determined as follows:

11 (a) 5.0 to 5.9 years of credited service, twenty-five percent of all
12 member contributions deducted from the member's salary pursuant to section
13 38-891, subsection B.

14 (b) 6.0 to 6.9 years of credited service, forty percent of all member
15 contributions deducted from the member's salary pursuant to section 38-891,
16 subsection B.

17 (c) 7.0 to 7.9 years of credited service, fifty-five percent of all
18 member contributions deducted from the member's salary pursuant to section
19 38-891, subsection B.

20 (d) 8.0 to 8.9 years of credited service, seventy percent of all
21 member contributions deducted from the member's salary pursuant to section
22 38-891, subsection B.

23 (e) 9.0 to 9.9 years of credited service, eighty-five percent of all
24 member contributions deducted from the member's salary pursuant to section
25 38-891, subsection B.

26 (f) 10.0 or more years of credited service, one hundred percent of all
27 member contributions deducted from the member's salary pursuant to section
28 38-891, subsection B.

29 D. If a member who becomes a member of the plan before January 1, 2012
30 has more than ten years of credited service with the plan, leaves the monies
31 prescribed in subsection C of this section on account with the plan for more
32 than thirty days after termination of employment and after that time period
33 requests a refund of those monies, the member is entitled to receive the
34 amount prescribed in subsection C of this section plus interest at a rate
35 determined by the board for each year computed from and after the member's
36 termination of employment.

1 E. The accumulated member contributions of a member who ceases to be
2 an employee for a reason other than death or retirement and who becomes a
3 member of the plan on or after January 1, 2012 shall be paid to the member
4 plus interest at a rate determined by the board as of the date of termination
5 within twenty days after filing with the plan a written application for
6 payment.

7 F. If the refund includes monies that are an eligible rollover
8 distribution and the member elects to have the distribution paid directly to
9 an eligible retirement plan or individual retirement account or annuity and
10 specifies the eligible retirement plan or individual retirement account or
11 annuity to which the distribution is to be paid, the distribution shall be
12 made in the form of a direct trustee-to-trustee transfer to the specified
13 eligible retirement plan. The distribution shall be made in the form and at
14 the time prescribed by the board.

15 G. For distributions occurring from and after December 31, 2007, a
16 member or a member's beneficiary, including a nonspouse designated
17 beneficiary to the extent permitted under subsection H of this section, may
18 roll over an eligible rollover distribution as defined in section 402(c)(4)
19 of the internal revenue code to a Roth individual retirement account, if, for
20 distributions occurring before January 1, 2010, the member or the member's
21 beneficiary satisfies the requirements for making a Roth individual
22 retirement account contribution under section 408A(c)(3)(B) of the internal
23 revenue code, as in effect on the date of the rollover. Any amount rolled
24 over to a Roth individual retirement account is included in the gross income
25 of the member or the member's beneficiary to the extent the amounts would
26 have been included in gross income if not rolled over as required under
27 section 408A(d)(3)(A) of the internal revenue code. For the purposes of this
28 subsection, the administrator is not responsible for ensuring the member or
29 the member's beneficiary is eligible to make a rollover to a Roth individual
30 retirement account.

31 H. For distributions made from and after December 31, 2009, a
32 nonspouse designated beneficiary as defined in section 401(a)(9)(E) of the
33 internal revenue code may elect to directly roll over an eligible rollover
34 distribution to an individual retirement account under section 408(a) of the
35 internal revenue code or an individual retirement annuity under section
36 408(b) of the internal revenue code that is established on behalf of the
37 designated beneficiary and that will be treated as an inherited individual

1 retirement plan pursuant to section 402(c)(11) of the internal revenue code.
2 In order to be able to roll over the distribution, the distribution otherwise
3 must satisfy the definition of an eligible rollover distribution as defined
4 in section 402(c)(4) of the internal revenue code. In applying this
5 subsection, a nonspouse rollover is not subject to the direct rollover
6 requirements under section 401(a)(31) of the internal revenue code, the
7 rollover notice requirements under section 402(f) of the internal revenue
8 code or the mandatory withholding requirements under section 3405(c) of the
9 internal revenue code.

10 I. For plan years occurring before January 1, 2007, the period for
11 providing the rollover notice as required under section 402(f) of the
12 internal revenue code is no less than thirty days and no more than ninety
13 days before the date of distribution and, for plan years beginning from and
14 after December 31, 2006, the period for providing the rollover notice as
15 required under section 402(f) of the internal revenue code is no less than
16 thirty days and no more than one hundred eighty days before the date of
17 distribution.

18 J. Service shall be credited to a member's individual credited service
19 account in accordance with rules the local board prescribes. In no case
20 shall more than twelve months of credited service be credited on account of
21 all service rendered by a member in any one year. In no case shall service
22 be credited for any period during which the member is not employed in a
23 designated position, except as provided by sections 38-921 and 38-922.

24 K. Credited service is forfeited if the amounts prescribed in
25 subsection C, D or E of this section are paid or are transferred in
26 accordance with this section.

27 L. If a former member becomes reemployed with the same employer within
28 two years after the former member's termination date, a member may have
29 forfeited credited service attributable to service rendered during a prior
30 period of service as an employee restored on satisfaction of each of the
31 following conditions:

32 1. The member files with the plan a written application for
33 reinstatement of forfeited credited service within ninety days after again
34 becoming an employee.

35 2. The retirement fund is paid the total amount previously withdrawn
36 pursuant to subsection C, D or E of this section plus compound interest from
37 the date of withdrawal to the dates of repayment. Interest shall be computed

1 at the rate of nine percent for each year compounded each year from the date
2 of withdrawal to the date of repayment. Forfeited credited service shall not
3 be restored until complete payment is received by the fund.

4 3. The required payment is completed within one year after returning
5 to employee status.

6 M. If a member who receives a severance refund on termination of
7 employment pursuant to subsection C, D or E of this section is subsequently
8 reemployed by an employer, the member's prior service credits are cancelled,
9 and the board shall credit service only from the date the member's most
10 recent reemployment period commenced. However, a present active member of
11 the plan who received a refund of accumulated contributions from the plan
12 pursuant to subsection C, D or E of this section, forfeited credited service
13 pursuant to subsection K of this section and becomes reemployed with the same
14 employer two years or more after the member's termination date or becomes
15 reemployed with another employer may elect to redeem any part of that
16 forfeited credited service by paying into the plan any amounts required
17 pursuant to this subsection. A present active member who elects to redeem
18 any part of forfeited credited service for which the member is deemed
19 eligible by the board shall pay into the plan the amounts previously paid or
20 transferred as a refund of the member's accumulated contributions plus an
21 amount, computed by the plan's actuary that is necessary to equal the
22 increase in the actuarial present value of projected benefits resulting from
23 the redemption calculated using the actuarial methods and assumptions
24 prescribed by the plan's actuary. On satisfaction of this obligation, the
25 board shall reinstate the member's prior service credits.

26 N. A retired member may become employed by an employer in a designated
27 position and continue to receive a pension if the employment occurs at least
28 twelve months after retirement. The retired member shall not contribute to
29 the fund and shall not accrue credited service. If a retired member becomes
30 employed by an employer in a designated position before twelve months after
31 retirement:

32 1. Payment of the retired member's pension shall be suspended until
33 the retired member again ceases to be an employee. The amount of pension
34 shall not be changed on account of service as an employee subsequent to
35 retirement.

36 2. The retired member shall not contribute to the fund and shall not
37 accrue credited service.

- 1 O. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, A MEMBER WHO
- 2 RETIRES HAVING MET ALL OF THE QUALIFICATIONS FOR RETIREMENT AND WHO
- 3 SUBSEQUENTLY BECOMES AN ELECTED OFFICIAL, BY ELECTION OR APPOINTMENT, IS NOT
- 4 CONSIDERED REEMPLOYED BY THE SAME EMPLOYER."
- 5 Renumber to conform
- 6 Amend title to conform

JUSTIN OLSON

26430LSON
02/10/2016
01:53 PM
C: MJH

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON GOVERNMENT AND HIGHER EDUCATION BILL NO. HB 2643

DATE February 18, 2016 MOTION: DPA

	PASS	AYE	NAY	PRESENT	ABSENT
Ms. Alston		✓			
Mr. Larkin		✓			
Mr. Lovas		✓			
Mr. Olson		✓			
Mr. Petersen		✓			
Mr. Saldate		✓			
Ms. Townsend		✓			
Mr. Ackerley, Vice-Chairman		✓			
Mr. Thorpe, Chairman		✓			
		9	0	0	1

APPROVED:


BOB THORPE, Chairman
J. CHRISTOPHER ACKERLEY, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT _____

Attachment 45



HOUSE OF REPRESENTATIVES

HB 2682

refugees; facilities; licensure

Prime Sponsor: Representative Thorpe, LD 6

X Committee on Government and Higher Education

Caucus and COW

House Engrossed

OVERVIEW

Requires licensure of a refugee facility (facility) by the Arizona Department of Health Services (DHS).

PROVISIONS

1. Prohibits a person from operating a facility in Arizona unless licensed by DHS.
2. Requires the person to:
 - a. apply in writing to the Director of DHS (Director);
 - b. include all required information; and
 - c. pay an annual licensing fee of \$1,000 in addition to any other fees prescribed.
3. Requires DHS to inspect each facility monthly.
4. Specifies that licenses are valid for one year and must be renewed annually.
5. Instructs the person to file an application for renewal at least 30 days before expiration of the current license.
6. Requires the facility to provide DHS with biometric information on each refugee assigned to the facility.
7. Instructs the Director to adopt rules for the licensure and inspection of facilities.
8. Allows the Director to sanction, impose civil penalties, suspend or revoke the facility license if any person who is an owner, officer, agent or employee is or continues to be in violation of rules adopted by DHS.
9. Stipulates that the Auditor General must contract with an independent financial auditor to audit each refugee facility annually.
10. Deposits all licensure and renewal facilities fees collected into the Health Services Licensing Fund.
11. Contains a Proposition 108 Clause.
12. Makes conforming changes.

CURRENT LAW

Not currently addressed in statute.

Attachment 46

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2682

(Reference to printed bill)

- 1 Page 1, line 5, after "audits" insert ": fingerprinting; penalties"
2 Line 20, strike "AUDITOR GENERAL" insert "DEPARTMENT"
3 Line 22, after "DEPARTMENT" insert "OF HEALTH SERVICES"
4 Line 23, after the period insert "BEFORE A PERSON TAKES LEGAL RESPONSIBILITY,
5 INCLUDING SPONSORSHIP OR GUARDIANSHIP, FOR A REFUGEE, THE DEPARTMENT OF
6 ECONOMIC SECURITY SHALL REQUIRE THE PERSON TO SUBMIT A FULL SET OF
7 FINGERPRINTS TO THE DEPARTMENT OF ECONOMIC SECURITY FOR THE PURPOSE OF
8 OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK PURSUANT TO SECTION
9 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC SAFETY MAY EXCHANGE
10 THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF INVESTIGATION AND SHALL
11 SUBMIT THE RESULTS TO THE DEPARTMENT OF ECONOMIC SECURITY. IF THE PERSON HAS
12 BEEN CONVICTED OF AN OFFENSE UNDER SECTION 13-3408 OR TITLE 13, CHAPTER 13,
13 23 OR 35.1, THE PERSON MAY NOT TAKE LEGAL RESPONSIBILITY INCLUDING
14 SPONSORSHIP OR GUARDIANSHIP, FOR A REFUGEE."
15 Amend title to conform

BOB THORPE

2682THORPE
02/16/2016
11:06 AM
C: MJH

Adopted <input checked="" type="checkbox"/>	# of Verbals _____
Failed _____	Withdrawn _____
Not Offered _____	Analysts Initials _____

Attachment 47

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON GOVERNMENT AND HIGHER EDUCATION BILL NO. HB 2682

DATE February 18, 2016 MOTION: DPA

	PASS	AYE	NAY	PRESENT	ABSENT
Ms. Alston			✓		
Mr. Larkin					✓
Mr. Lovas		✓			
Mr. Olson		✓			
Mr. Petersen					✓
Mr. Saldate			✓		
Ms. Townsend		✓			
Mr. Ackerley, Vice-Chairman		✓			
Mr. Thorpe, Chairman		✓			
		5	2	0	2

APPROVED:

Bob Thorpe
BOB THORPE, Chairman
J. CHRISTOPHER ACKERLEY, Vice-Chairman

Mary Reilly
COMMITTEE SECRETARY

ATTACHMENT _____

Attachment 48



HOUSE OF REPRESENTATIVES

HCR 2015

technical correction; illegal aliens

Prime Sponsor: Representative Thorpe, LD 6

X Committee on Government and Higher Education

Caucus and COW

House Engrossed

STRIKE-EVERYTHING SUMMARY

The strike-everything amendment to HCR 2015 urges the Legislature to support restoring financial sustainability through the reduction of the federal deficit.

PROVISIONS

1. Urges the Members of the Legislature to support of:
 - a. the restoration of fiscal sanity and sustainability through the reduction of the federal deficit; and
 - b. the reduction of Arizona's dependence on federal monies.

CURRENT LAW

Not currently addressed in statute.

Attachment 49

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.C.R. 2015

(Reference to printed concurrent resolution)

1 Page 1, before line 1, insert:

2 "Whereas, this nation's fiscal recklessness poses a great, clear and
3 present threat to America's future; and

4 Whereas, the national debt has now surpassed \$18 trillion; and

5 Whereas, the national debt is projected to approach \$21 trillion by
6 2019; and

7 Whereas, states receive between 24% and 49% of their general revenue
8 from federal monies and on average rely on the federal government for 36
9 cents of every dollar spent in state budgets; and

10 Whereas, in its recently released audit of the federal government's
11 financial statements, the Government Accountability Office declared, "Over
12 the long term, the structural imbalance between spending and revenue will
13 lead to continued growth of debt held by the public as a share of GDP [gross
14 domestic product]; this means the current structure of the federal budget is
15 unsustainable"; and

16 Whereas, this fiscal scenario is by all accounts unsustainable for this
17 nation as well as for this state; and

18 Whereas, in May 2012, the American Institute of Certified Public
19 Accountants, in its review of the federal government's most recent annual
20 financial statements, warned, "The U.S. is not exempt from the laws of
21 prudent finance. We must take steps to put our financial house in order.
22 The credit rating agencies have recently issued renewed warnings of U.S.
23 credit downgrades unless substantive reforms are made. Our current fiscal

Attachment 50

Adopted ☒ # of Verbals _____
Failed _____ Withdrawn _____
Not Offered _____ Analysts Initials _____

1 policy results in mortgaging our nation's future without investing in it,
2 leaving our children, grandchildren and future generations to suffer the
3 consequences. This is irresponsible, unethical and immoral"; and

4 Whereas, restoring fiscal sanity and sustainability is at the heart of
5 jumpstarting economic growth and fostering a business climate in which
6 companies can grow and begin to hire; and

7 Whereas, absent credible actions to address this fiscal
8 irresponsibility, uncertainty will continue to dominate business
9 decision-making and economic recovery will languish.

10 Therefore"

11 Strike everything after the resolving clause and insert:

12 "1. That the Members of the Legislature support the restoration of
13 fiscal sanity and sustainability through the reduction of the federal
14 deficit.

15 2. That the Members of the Legislature support the reduction of this
16 state's dependence on federal monies."

17 Amend title to conform

BOB THORPE

HCR2015THORPE
02/16/2016
12:07 PM
C: HN

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON GOVERNMENT AND HIGHER EDUCATION BILL NO. HCR 2015

DATE February 18, 2016 MOTION: DPA/SE

	PASS	AYE	NAY	PRESENT	ABSENT
Ms. Alston			✓		
Mr. Larkin					✓
Mr. Lovas		✓			
Mr. Olson		✓			
Mr. Petersen					✓
Mr. Saldate			✓		
Ms. Townsend		✓			
Mr. Ackerley, Vice-Chairman		✓			
Mr. Thorpe, Chairman		✓			
		5	2	0	2

APPROVED:

Bob Thorpe
BOB THORPE, Chairman
J. CHRISTOPHER ACKERLEY, Vice-Chairman

Mary Kully
COMMITTEE SECRETARY

ATTACHMENT _____

Attachment 51



HOUSE OF REPRESENTATIVES

HCR 2047

initiatives; referendums; signature requirements; counties

Prime Sponsor: Representative Thorpe, LD 6

X Committee on Government and Higher Education

Caucus and COW

House Engrossed

OVERVIEW

HCR 2047, upon voter approval, specifies the minimum number of initiative or referendum petition signatures required from residents outside of Maricopa and Pima counties.

PROVISIONS

1. Requires at least 25% of the minimum number of initiative or referendum petition signatures from qualified electors who are residents of counties with a population of fewer than 500,000 persons.
2. Requires the Secretary of State (SOS) to submit this proposition to the voters at the next general election.
3. Makes technical changes.

CURRENT LAW

Under the power of initiative, 10% of the qualified electors have the right to propose any statutory measure and 15% have the right to propose any amendment to the Arizona Constitution. Under the power of referendum, 5% of the qualified electors may refer any measure enacted by the Legislature, except emergency measures or measures necessary for the support and maintenance of state government. The number of qualified electors equals the whole number of votes cast for all candidates for Governor at the general election preceding the filing of any initiative or referendum petition on a state measure (Arizona Constitution, Article IV, Part I § I).

ADDITIONAL INFORMATION

The U.S. District Court has declared the provision in A.R.S. § 16-322 (A)(1) requiring candidates for the office of U.S. Senator or statewide office to collect nomination petition signatures from "at least one-half of one percent of the voter registration of the party of the candidate in at least three counties in the state" (County-Based Requirement) is unconstitutional as a violation of the Equal Protection Clause of the 14th Amendment to the U.S. Constitution. The SOS has entered into a consent decree precluding Arizona from enforcing County-Based Requirement signature gathering in connection with any candidate nomination petition filed after May 28, 2014.

<u>Minimum Number of Signature Required</u>	
Initiative Measures	150,642
Constitutional Amendments	225,967
Referendum Petitions	75,321

Attachment 52

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON GOVERNMENT AND HIGHER EDUCATION BILL NO. HCR 2047

DATE February 18, 2016 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Ms. Alston			✓		
Mr. Larkin					✓
Mr. Lovas		✓			
Mr. Olson		✓			
Mr. Petersen					✓
Mr. Saldate			✓		
Ms. Townsend		✓			
Mr. Ackerley, Vice-Chairman		✓			
Mr. Thorpe, Chairman		✓			
		5	2	0	2

APPROVED:

Bob Thorpe

BOB THORPE, Chairman

J. CHRISTOPHER ACKERLEY, Vice-Chairman

Mary Reilly
COMMITTEE SECRETARY

ATTACHMENT _____



HOUSE OF REPRESENTATIVES

HB 2390

vocational program license; yoga exemption
Prime Sponsor: Representative Thorpe, LD 6

X Committee on Government and Higher Education

Caucus and COW

House Engrossed

OVERVIEW

HB 2390 exempts a yoga teacher training and instructional course or program from the requirement to obtain a Private Vocational Program License (License).

PROVISIONS

1. Exempts a yoga teacher training and instructional course or program from the State Board for Private Postsecondary Education (Board) requirement to meet various qualifications for a License.

CURRENT LAW

A person is prohibited from operating a Private Vocational Program unless the person holds a License authorized by the Board. An applicant for a License must meet all of the following requirements: 1) furnish a letter of credit, surety bond or cash deposit; 2) make specific information concerning educational programs available to prospective students and the general public; 3) be financially responsible and have management capability; 4) maintain qualified facilities, equipment and materials appropriate for the stated program that meet applicable state and local health and safety laws; 5) maintain appropriate records as the Board prescribes; 6) use only advertisements consistent with the information made available; 7) provide courses of instruction that meet stated objectives and a grievance procedure for students; 8) comply with all federal and state laws relating to the operation of a private postsecondary educational institution; and 9) other requirements the Board deems necessary (A.R.S. § 32-3021).

Private vocational program is defined as an instructional program that includes a course or group of courses that: 1) a student does not earn a degree; 2) is designed to provide or is advertised as providing a student with sufficient skills for entry into a paid occupation; and 3) is not conducted solely by a public school, public community college or public university (A.R.S. § 32-3001).

Attachment 54

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON GOVERNMENT AND HIGHER EDUCATION BILL NO. HB 2390

DATE February 18, 2016 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Ms. Alston			✓		
Mr. Larkin					✓
Mr. Lovas		✓			
Mr. Olson		✓			
Mr. Petersen					✓
Mr. Saldate			✓		
Ms. Townsend		✓			
Mr. Ackerley, Vice-Chairman		✓			
Mr. Thorpe, Chairman		✓			
		5	2	0	2

APPROVED:

Bob Thorpe
BOB THORPE, Chairman
J. CHRISTOPHER ACKERLEY, Vice-Chairman

Mary Reilly
COMMITTEE SECRETARY

ATTACHMENT _____

Attachment 55

ARIZONA STATE LEGISLATURE
Fifty-second Legislature - Second Regular Session

COMMITTEE ATTENDANCE RECORD

COMMITTEE ON GOVERNMENT AND HIGHER EDUCATION

CHAIRMAN: Bob Thorpe VICE-CHAIRMAN: J. Christopher Ackerley

DATE	2/18 /16	/16	/16	/16	/16
CONVENED	8:05 ^{AM} m	m	m	m	m
RECESSED	10:30 ^{AM}				
RECONVENED	10:45 ^{AM}				
ADJOURNED	12:48 ^{PM}				
MEMBERS					
Ms. Alston	✓				
Mr. Larkin	✓				
Mr. Lovas	✓				
Mr. Olson	✓				
Mr. Petersen	✓				
Mr. Saldate	✓				
Ms. Townsend	✓				
Mr. Ackerley, Vice-Chairman	✓				
Mr. Thorpe, Chairman	✓				

✓ Present --- Absent exc Excused